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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Eighth Session, 1940.

The 1st, 2nd, 5th, 6th, 7th, 8th and 9th August, 1940

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

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GOVERNMENT OF BENGAL.

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The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

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ALPHABETICAL LIST OF MEMBERS.

A

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N

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P

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R

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Z

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Eighth Session.

Volume LVII—No. 3.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 1st August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 215 members.

STARRED QUESTIONS

(to which oral answers were given)

Suspension of traffic during Governor's journey through important streets of Dacca.

*96. **Mr. PRATUL CHANDRA GANGULY:** (a) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(i) that His Excellency the Governor of Bengal, on his arrival at Dacca on the 2nd July, 1940, passed through crowded business quarters such as the Sadar Ghat, Johnson Road, Nawabpur Road;

(ii) that the traffic was stopped and the pedestrians were not allowed even to cross the streets for more than half an hour.

(iii) that similar suspension of traffic and movements of pedestrians took place when His Excellency the Governor attended the tea-party at the Ashan Manzil on the 4th July, 1940; and

(*iv*) that thereafter on every occasion similar things happened when His Excellency passed through any street?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate arrangements so that ordinary business of the people may not suffer in future?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes. This is the only possible route.

(*ii*) No. Major traffic was stopped some time before His Excellency's arrival, but pedestrians were allowed to pass until a few minutes before.

(*iii*) and (*iv*) No. Traffic was only held up five minutes before the time scheduled for His Excellency's passing.

(*b*) The arrangements made involve the minimum inconvenience consistent with His Excellency's safety.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the source of his information with regard to answers (*ii*) and (*iii*)?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: In the question it is stated that for half an hour the traffic was closed. The answer is: No. It was only for 5 minutes. I want to know what is the source of his information. Is it the police report?

Mr. SPEAKER: If you ask the Hon'ble Minister a proper question he will in due course reply, but you ask him now wherefrom he did get the information.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister aware that overzealous police officers and constables detained the pedestrians for a long time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe in this case it did not happen.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether they are willing to enquire into the fact that in spite of Government order to stop the traffic for 5 minutes the overzealous police officers actually detained it for more than 5 minutes?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know 5 minutes was the time in the case of questions (*iii*) and (*iv*). As regards (*i*), it is admitted that it was for more than 5 minutes that the traffic was held up. I would like to point that out to the honourable member.

Mr. ATUL KRISHNA GHOSE: I asked whether it was more than 5 minutes—I am not concerned with other questions—that the police officers actually detained the traffic and whether the Hon'ble Minister would make an enquiry.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is a case for enquiry. It is difficult to say whether it was 5, 6 or 7 minutes, but I believe there was no undue delay.

Suspension of traffic during Governor's visit to the races at Dacca.

*97. **Mr. PRATUL CHANDRA GANGULI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the traffic was closed, without notice, for more than three hours from 3-30 p.m. on Saturday, the 6th July, 1940, all throughout the roads at Dacca from Governor's House to the Dacca Gymkhana race ground, due to His Excellency the Governor's visit to the races?

The Hon'ble Khwaja Sir NAZIMUDDIN: This was done in accordance with previous custom. It was then, however, decided to discontinue the practice and on the 13th July and the 20th July, the roads were closed for 5 minutes only.

Mr. CHARU CHANDRA ROY: মন্ত্রীমহাশয় বোলেছেন যে, previous custom অনুসারে এটা হোয়েছে। বর্ত্তমানে তথাকথিত popular মন্ত্রীমণ্ডলী এই previous custom পরিবর্ত্তন কোরবেন কিনা মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি ?

The Hon'ble Khwaja Sir NAZIMUDDIN: As a matter of fact, as soon as it came to my notice I instructed the officers concerned to stop this practice.

Establishment of a poultry farm in the Dyeng Hill, Chittagong.

*98. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that the fowl of Chittagong is the most famous and biggest in size in India; and

(*ii*) that *Wasil* or *Aysin* hens are the best of all?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether his attention was drawn by an honourable member of this House for the establishment of a poultry farm in the Dyeng Hill which is the breeding place of these hens?

(*c*) If so, will the Hon'ble Minister be pleased to state what action, if any, he has taken in the matter?

(*d*) If no action has been taken as yet, does the Hon'ble Minister propose to hold an inquiry into the matter?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) It is not correct to say that the Chittagong fowls are "the most famous and biggest in size in India" or that *Wasil* or *Aysin* hens are "the best of all".

(*b*) to (*d*) Do not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if he is aware of the proverb Chittagonian fowls, indicating thereby that Chittagong fowls, if not the best are most palatable?

Mr. SPEAKER: I did not know you are an expert in poultry also.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state the fowls of which district, Faridpur or Dacca, are the better?

Mr. SPEAKER: That question does not arise.

Bridge on the Damodar river.

***99. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state the reason for the delay in the construction of the roads on the right bank of the Damodar and in continuation of the Damodar Bridge?

(*b*) Is it a fact that the Government contemplate the erection of a temporary causeway instead of the proposed bridge?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) The attention of the honourable member is invited to the

reply which I gave on the 14th March last to his starred question No. 222. The investigations to which I then referred have proved that the cost of constructing a road which would be above the level of abnormal floods such as were experienced in 1913 and 1935 would be prohibitive. My advisers are therefore considering the construction of a road which while above flood level in normal years might be overtopped once in a quarter of a century.

(*b*) and (*c*) The construction of a temporary causeway instead of the proposed bridge across the Damodar is not contemplated. I have lately received from the local administrative officers a proposal that a dry weather crossing of the river bed should be provided. The cost of such an aid to traffic is now being examined by the technical officers.

Dr. NALINAKSHA SANYAL: With reference to answer (a), will the Hon'ble Minister be pleased to state what is the present position of the project of the bridge and when this bridge is likely to be finished?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated in my reply, the department is now considering how to construct the road at the minimum cost, and as regards the bridge we are considering a proposal to amalgamate the bridge with the proposed barrage as provided for in the Howrah-Hooghly Flushing Scheme. As soon as that project is approved by this House, we will proceed to draw up an estimate for the combined project.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that as a result of the proposed barrage further action on the bridge which was approved long ago and for which the foundation stone was also laid down by His Excellency has been stopped?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I do not think the consideration of the question of the barrage delayed matters. There is no denying the fact that there has been some amount of delay in taking up the project, but it was due to factors over which we had no control. In the original estimate of the bridge there was no provision for the railways, but was subsequently added on at the request of the Railway Board. Now as I have just now stated, it is proposed to include the barrage scheme in it with a view to minimise the cost. I believe as soon as the House approves the Howrah-Hooghly Flushing Scheme we shall be in a position to arrange for taking up the construction at a very early date.

Dr. NALINAKSHA SANYAL: Are we to understand that in case the House does not approve of the expensive barrage scheme, the bridge will be dropped?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. We shall in that case proceed with the original scheme.

Dr. NALINAKSHA SANYAL: Is there any other scheme or schemes up the sleeves of the departmental officers of the Hon'ble Minister's department (Mr. SPEAKER: Must be.) which may cause further delay in future in the construction of the bridge?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, the delay which was caused was not due to any scheme which was in the sleeves of the departmental officers, but it was due to factors beyond our control.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the proposal for taking the railway line over the bridge was mooted and was this question finally disposed of?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is difficult for me to give the exact date, but speaking from memory it must be a couple of years back. I may inform my honourable friend that in these matters when we have to deal with the Government of India and the Railway Board the process is invariably a slow one.

Dr. NALINAKSHA SANYAL: Is it not a fact that the question of extending the width of the bridge to permit the railway to go over it was finally disposed of nearly two years ago?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, I don't think so.

Dearth of silver coins throughout the Province.

***100. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that for some time past marketing in general in the Province has been suffering for want of free circulation of silver coins; and

(*ii*) that even in a treasury in the Province one cannot get silver coins worth more than five rupees in exchange of a ten-rupee currency note?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken in the matter?

(c) If no steps have been taken as yet, do the Government propose taking any steps in the matter at an early date?

MINISTER in chrage of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) (i) It has been reported to Government that vast sums in silver coins have been withdrawn from circulation and hoarded; and in consequence business people as well as the public are naturally experiencing inconvenience.

(ii) No.

(b) The honourable member is referred to the reply given to the Short Notice starred question No. 55A of Mr Sibnath Banerjee.

(c) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that one rupee notes are being circulated in place of silver coins?

The Hon'ble Mr. H. S. SUHRAWARDY: I thought that was common knowledge.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether his attention has been drawn to the bad quality of the paper of the one rupee note?

Mr. SPEAKER: Well, it is not for the Hon'ble Minister to answer —the bad quality of the paper, badness of the colour and badness of the stamp. This matter does not concern this Government

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether in view of the fact that the quality of the paper of the one rupee note is very bad, Government propose to move the Government of India to improve the quality of the paper so that the poor people may not suffer?

Mr. SPEAKER: That question, too, does not arise.

Mr. ATUL KRISHNA CHOSE: Is the Hon'ble Minister aware of the fact that because of the bad quality of the one rupee note the durability of this note will not be long and as such will the Government recommend to the Central Government to change the quality of the paper? I am afraid, Sir, the paper of which the note has been printed won't last even for a month.

Mr. SPEAKER: That question does not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: It appears to me that the honourable member wants to hoard silver himself!

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Appointments in various sections of the Bengal Government Press according to the communal ratio order.

51. Mr. A. M. A. ZAMAN: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether members of different communities are appointed in the different sections of the Bengal Government Press according to the communal ratio fixed by Bengal Government recently?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of—

(1) Caste Hindus,

(2) Muslims,

(3) Scheduled Castes, and

(4) members of other minorities

appointed in the—

(1) reading,

(2) composing,

(3) distributing,

(4) mono-casting,

(5) mono-operating,

(6) lino-operating,

(7) binding,

(8) machine,

(9) clerical, and

(10) other sections

of the Bengal Government Press since the introduction of the communal ratio; and

(*ii*) the number of—

(1) Hindus,

(2) Muslims, and

(3) other castes

at present working in the—

(1) binding, and

(2) machine,

department of the Bengal Government Press?

(c) If the appointments are not made according to the proportion fixed by the communal ratio, will the Hon'ble Minister be pleased to state what method is now followed by the Government at the time of appointing employees from among the different communities in different sections of the Bengal Government Press?

***MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (a) Yes.

(b) A statement is laid on the Library table.

(c) Does not arise.

River Karnafuli and Chittagong Port authorities.

52. Maulana MD. MANIRUZZAMAN ISLAMABADI: (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(i) that nearabout the mouth of the river Karnafuli in the district of Chittagong attempt to regulate the current of the river water is being made by the Port authorities;

(ii) that they have raised stone embankment making the passage of water narrower; and

(iii) that this obstruction of free outlet of water has been the cause of inundation?

(b) If the answer to (a) (iii) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) (i) and (ii) I am informed that the Port Commissionere are carrying out river training work at the mouth of the Karnafuli near Guptakhali to ensure that there will be a navigable channel at high tide at all seasons of the year.

(iii) No.

(b) Does not arise.

Appointments in the Ahsanullah School of Engineering, Dacca.

53. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any recruitment was recently made in the office of the Ahsanullah School of Engineering, Dacca?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the community to which the appointed candidate belongs; and

(*ii*) the qualifications of the appointed candidate?

(*c*) Is there any Scheduled Caste clerk in the office or in the teaching staff of the said school?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason for not appointing a Scheduled Caste candidate in the vacant post?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes. Three appointments of clerks were made in 1939.

(*b*) (*i*) Two belong to the Muslim community and the other to the Hindu community (Caste Hindu).

(*ii*) All of them are graduates with previous office experience.

(*c*) No.

(*d*) The one candidate was not considered satisfactory. I am however looking into the matter further.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister please state for what deficiency or reasons the candidate was considered unsatisfactory?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the Selection Board did not consider him satisfactory. I cannot say anything further.

Communal ratio of clerks in Forest Offices at Darjeeling.

54. Mr. DAMBER SINGH GURUNG: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing the present number of—

(*i*) Hillmen,

(*ii*) Bengali Hindu,

(*iii*) Muslim,

(*iv*) Bihari, and

(*v*) Scheduled Caste

clerks both in the lower and higher grades in the office of the—

(1) Conservator of Forests, and

(2) the Divisional Forest Officers,

in the district of Darjeeling?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): A statement furnishing the information is laid on the table.

Statement referred to in the reply to unstarred question No. 54, showing the number of clerks in higher and lower grades of the different communities in the offices of the Conservator of Forests, Bengal, and in offices of the Divisional Forest Officers, Silvicultural Division, Working Plan Division, Darjeeling, Kalimpong and Kurseong, located in the district of Darjeeling.

Communities.	Conservator's Office.						Divisional Forest Offices.			Total.
	Permanent.						Permanent.		Temporary.	
	Rate of pay—Rs. 340 to 500.	Rate of pay—Rs. 190 to 250.	Rate of pay—Rs. 200 to 250.	Rate of pay—Rs. 125 to 150.	Rate of pay—Rs. 45 to 120.	Rate of pay—Rs. 45 to 70.	Rate of pay—Rs. 80 to 120.	Rate of pay—Rs. 35 to 80.	Rate of pay—Rs. 35.	
(a) Hillmen (Nepalese, Bhutias and Lepchas).	..	..	..	..	1	..	1	2	1	5
(b) Bengali Hindus ..	1	1	1	2	10	1	1	6	6	29
(c) Biharis ..	..	..	..	..	..	..	..	..	..	..
(d) Scheduled Castes ..	..	..	..	..	..	..	..	..	..	..
(e) Muslims ..	..	..	..	..	5	3	1	2	4	15
Total ..	1	1	1	2	16	4	3	10	11	49

Babu PREMHARI BARMA: Will the Hon'ble Minister please say why no Scheduled Caste candidates have been appointed in the Forest Department?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Probably there was no candidate available.

Scheduled Caste contractors in Dacca and Mymensingh Divisions.

55. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) the present number of enlisted contractors of the Communications and Works Department under the Dacca and Mymensingh Divisions;

(*ii*) how many of them are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes;

(*iii*) the present number of Scheduled Caste contractors in the classified list of contractors; and

(*iv*) whether there is any quota or percentage for the Scheduled Caste contractors?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state whether that quota has been filled up?

(*c*) If the quota has not yet been reached, will the Hon'ble Minister be pleased to state what steps, if any, have been taken for enlistment of Scheduled Caste contractors?

(*d*) If no steps have been taken, will the Hon'ble Minister be pleased to state the reasons thereof?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) On the assumption that the honourable member is thinking of the Communications and Buildings Branch of the Department, the answers are as follows:—

(*i*) 84.

(*ii*) and (*iii*) Muslims 23 and others 61.

I am endeavouring to ascertain how many of these others belong to the Scheduled Castes and will pass the information to the honourable member in due course.

(*iv*) No, but there are standing instructions that endeavours should be made to enlist suitable contractors of any community which is not well represented.

(*b*) to (*d*) Do not arise.

Communal ratio of examiners of accounts in the office of Registrar, Joint Stock Companies, Bengal.

*93. **Alhadj CYASUDDIN AHMED CHOUDHURY:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a statement showing for the office of the Registrar, Joint Stock Companies, Bengal—

(*a*) the names and the present number of examiners of accounts;

(*b*) the number of them that are—

(1) Hindus,

(2) Muslims, and

(3) Scheduled Castes; and

(*c*) the duties they have to perform?

The Hon'ble Mr. H. S. SUHRAWARDY: A statement is laid on the table.

Statement referred to in reply to starred question No. 93.

(*a*) Two, Babu Sasadhar Mukherji and Babu Chandra Kanta Paul.

(*b*) (1) Hindus—Two.

(2) Muslims—Nil.

(3) Scheduled Castes—Nil.

(*c*) They have to examine the Balance Sheets, Profit and Loss Accounts and other statements of accounts which are required to be filed under the Indian Companies Act.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1933.

Clause 126.

Dr. NALINAKSHA SANYAL: Sir, clause 126 should be omitted.

This clause states that no suit, prosecution or legal proceedings whatever shall lie against the Registrar or any person subordinate to him or acting on his authority or against a trustee in respect of anything in good faith done or intended to be done under this Act.

Sir, we have heard of the King being above the law and that the King cannot do any wrong. We have also heard that Caesar's wife is above suspicion. But in the case of the Registrar of Co-operative Societies, Bengal, he is both Caesar's wife as well as the King in his department. ("Hear! hear!" from the Congress Benches.)

Sir, there is a provision in the Government of India Act itself providing a sort of indemnity for Government officials when they do any act in their official capacity as such in good faith, and yet such is the suspicion of the Department of Co-operative Societies under the charge of the able Minister, the Hon'ble Mr. Mullick, that he cannot rely upon the protection provided in the Government of India Act and he wants to go further to remind and bring it home to everybody that the Registrar is above suspicion. His men are above suspicion and no suit or proceedings can lie against them. I cannot understand why there is this anxiety. It has been definitely demonstrated on the floor of this House during many a question and many a debate how the officers of the Co-operative Department, including the Registrar, have mismanaged the affairs of the department and how as a result of their acts of omission as well as commission disastrous results have followed. It has also been suggested, directly suggested and indirectly insinuated, that on many occasions the Registrar's conduct has not been what it ought to have been. My friend Mr. Satyapriya Banerjee had produced evidence to show, documentary evidence to show, how sums of money belonging to one society were transferred to another society of which the House Physician and a friend of the Registrar happened to be the Secretary to enable the Registrar to get some accommodation for building a house in Calcutta. It was also shown how the Registrar's relations—I would not name them, intimate relations—brother-in-law and the like relations——

Mr. Khwaja SHAHABUDDIN: May I rise on a point of order, Sir? Is it permissible for any member to make such vague allegations against the conduct of an officer?

Dr. NALINAKSHA SANYAL: The Government Whip need not be so anxious to protect——

Mr. SPEAKER: So long as it is relevant I cannot help.

Mr. Khwaja SHAHABUDDIN: Vague allegations, Sir. Let him make definite allegations.

Dr. NALINAKSHA SANYAL: We have on many occasions demanded an enquiry. If you have the courage to have an enquiry instituted, do it. It is no use rising on a point of order, Mr. Shahabuddin, to protect the Registrar. If you cannot do so, please keep quiet.

Mr. SPEAKER: It is no use also your addressing Mr. Shahabuddin by name.

Dr. NALINAKSHA SANYAL: This clause, Sir, which we are now dealing with, specifically seeks to indemnify the Registrar and his men, and it is therefore extremely pertinent that we should examine what has been so far our past experience in regard to the conduct of these officers now sought to be indemnified. Sir, I have no personal animosity towards the person holding that eminent office. I have nothing to do with him. All that I want the House is to examine this provision carefully with a view to place the entire co-operative movement above suspicion. If there was nothing to be afraid of, there should not have been any necessity of an indemnifying clause. The Registrar, like all other honest men, might come forward and say, "Well, I am standing in the full glare of light of day; I am prepared to submit to any enquiry, and I do not require any special legal protection;" let him depend upon that kind of open, frank, straightforward light, and not try to seek protection behind the majority of a majority party in this House. If the majority party would extend their protection to this Registrar who had been found, when he was under the command of another previous Minister, to have allowed numerous officers,—and it was discovered not by any individual but by a Tribunal—a host of officers, to be engaged in an electioneering campaign——

Mr. SPEAKER: That has nothing to do with the clause under discussion.

Dr. NALINAKSHA SANYAL: They are indemnified, Sir.

Mr. SPEAKER: It is only action done under this Act that can be discussed. To send an officer on election work is not an act under this Act.

Dr. NALINAKSHA SANYAL: When an officer goes to a rural area under the garb of doing an act under the Act and undertakes work not contemplated as part of his duty——

Mr. SPEAKER: Supposing the Registrar sends a certain officer in the garb of doing an act under the Act to do election work, this section does not protect him.

Dr. NALINAKSHA SANYAL: Provided you can prove to that extent.

Sir, If the Registrar and his department cannot depend upon the usual protection for all Government officials, there should be no protection for them at all. I submit that this clause is just in line with

other mischievous clauses in this Bill, whereby attempts have been made to create in the Registrar a Mussolini, a Hitler, whereby attempts have been made to vest him with powers that could under no stretch of imagination be justified. And having vested him with such powers, it was probably felt that such powers must necessarily be abused, and therefore special protection must be provided. So, I feel that this section practically gives the crux of the whole Bill that in this Bill an attempt is made to create one officer virtually the Dictator of the entire Co-operative Department, who cannot be brought to book if he does anything wrong, or intends to do anything wrong in the course of his official work. I would not like to repeat the numerous charges levelled against the department and particularly against the Registrar all these years. We have charged the Registrar with negligence of duty, with active compliance in such acts that have resulted in losses to societies; we have charged him with nepotism, with fostering corruption, with encouraging such acts as would not merit promotions,—because he bestows favours on people on grounds other than merit. And on the face of these, in spite of all these charges, in spite of the numerous complaints made in the House and outside, in Press and on platforms, if Government come forward with a section seeking to indemnify such an officer for all time to come, not only him but his subordinates also, what should people think of the Co-operative Department? I say with all the emphasis that I can command, let us not forget the influence that our decision here may have on the credit of the entire movement in the country. Let us by all means try to re-establish that valuable credit of the co-operative movement without which this healthy movement cannot possibly progress, or cannot possibly maintain itself. If we are conscious of the necessity of creating reputation for the department, for anything that we hold sacred, I ask the House to keep out this baneful clause from this chapter. It will not in any way bring ruin to the officers. Nobody will bring frivolous charges against them. If they are not proved, the officers will not be removed. But if there are real grievances, real cases of injustice, nepotism and corruption, why should it not be possible for the public to demand necessary action?

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that in clause 126, lines 2 and 3, for the words "the Registrar or any person subordinate to him or acting on his authority or against a trustee" the words "any person" be substituted.

The clause as amended will read thus:—

> "No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything in good faith done or intended to be done under this Act."

I wish, Sir, I could insert a clause in the Bill which would go to the length of indemnifying the movement against the Registrar, because it has been brought to my knowledge that his want of foresight, his want of imagination and above all, his incapacity to utilize the cash credit of Rs. 30 lakhs, which was granted to the Bengal Provincial Co-operative Bank under Government guarantee by the Imperial Bank of India, just on the eve of the departure of his predecessor in office have brought the movement on the verge of collapse; had he been able to make use of that sum at the right moment, the co-operative movement would not have come to such a pass. A stitch in time, says the old proverb, saves nine. Had he been careful enough, vigilant enough, had he been the right man at the right place, he could certainly have utilised it and thus protected the movement from the ruin that has been brought to it mainly, if not solely, by his inaction and inefficiency, nepotism and corruption. I would only ask the Hon'ble Minister in charge to enquire if my information is correct, and if that is so, let him say in this House openly that the Registrar has failed in his duty to utilize that large sum and save the Government in future from the importunate, unreasonable and untimely demands of the department on the provincial exchequer presumably with a view to evade criticism of the House at the time of discussion on demands for grants. Sir, the whole Bill bristles with clauses empowering the Registrar to deal with the properties of the societies in any way he likes and there is the clause 28 in accordance with which all properties of the society shall vest in the Registrar under certain circumstances, but nowhere in the Bill is to be found provision for any sort of liability attaching to the Registrar for damage or loss suffered by the society as a consequence of the acts done by him; on the contrary, we find a deliberate attempt by this clause of the Government to extend indemnity to the Registrar and to his creatures alone created under the Bill and not to anybody else. Such a shamelessly one-sided provision could have been conceived only by the perverse Minister in charge of the Bill, and my amendment only seeks to cure this clause of its pernicious onesidedness. Sir, I may remind the House in this connection that the Madras Committee on co-operation has made the auditor liable for loss or damage caused to a society through his gross negligence, wilful default or breach of trust.

After what has been said so ably by my friend Dr. Sanyal, I do not like to say anything, because that would be like painting the lily. My suggestion is simply this, that the benefit of this clause should be extended to any person who does anything in respect of this Act in good faith done or intended to be done. I do not think that there will be any objection to the Hon'ble Minister accepting this amendment of mine.

Mr. SURENDRA MOHAN MAITRA: Mr. Speaker, Sir, I had no intention to take part in the discussion of this Bill because I am somewhat physically incapable, but when it came to clause 126 I thought that it would be a dereliction of my duty as perhaps the oldest co-operator in this Hall to sit mum and not to say anything against this clause *pari passu* the Bill.

Sir, it took my breath away when at some stage during the discussion of this Bill there was a frantic attempt by the department to secure entire immunity from the law court for all complaints of private parties. But, Sir, I am not going to repeat the arguments of my friend Dr. Nalinaksha Sanyal and bring out a charge sheet against the present Registrar because that is not very relevant to this clause. It may serve as a beacon light to future action and future amendment of the law, but I would request the Hon'ble Minister in charge of this Bill to look at the whole thing from a psychological point of view. You are arming the Registrar with all possible power; you are placing him on a very high pedestal. Intoxicated with power do you think that any future Registrar will be immune from frailty, weakness, dereliction of duty—might be unknowingly, unconsciously or it might be even in good faith—but then when you are practically handing over the working of the whole department to the unfastened hands of the Registrar who will hitherto be the Dictator as has often been repeated in this House and repeated by very eminent persons who have criticised this Bill, would it not be fair and just in the interest of co-operators and non-official members of co-operative societies that some check should be put on the Registrar and his subordinates? I could have gone to the length of agreeing to the immunity of the Registrar, but why is it that a person subordinate to the Registrar, whoever he might be, should enjoy this immunity? Is it not a fact—I put it directly to the Hon'ble Minister and for the matter of that to those gentlemen sitting behind him—that here have been numerous cases of subordinate departmental officers who have been guilty of gross negligence of duty, deliberate misappropriation and offences like that? But, Sir, I am perhaps crying in the wilderness, because I know that whatever we may say from this side of the House will carry no weight with the Minister or his conscience-keepers. But I would appeal to my friends on the other side about one fact, viz., that this Bill is being enacted with the sole object as the Statement of Objects and Reasons states that there has been something rotten in the affairs of the Co-operative Department for which a drastic measure is necessary. If it is so, was it not proper for them to bring in a temporary measure instead of a permanent one and placing this Act on a permanent footing and thus giving a long rope to the Registrar and the departmental officers?

Sir, was it not possible, I say, that safeguards against any action proposed to be taken by any person against the Registrar or his subordinates could have been provided for by making a very salutary provision in the Bill that no complaint whatever will lie against the Registrar or his subordinates without the previous sanction of Government? It is not uncommon that we find some such provision in other Acts. At least that would have been a sword of Damocles over the head of the department, and they would not have been given the longest rope and unbridled freedom to act however they liked. But that is not to be. By this clause complete immunity from all complaints—whether it has got any genuineness, reasonableness or truth behind it—has been given to the Registrar and his department. If there were some such provision in the Bill, I say, having known about the working of the department for a long time, it would have created some confidence in the minds of those non-official gentlemen who are really the life and soul of this movement. As regards them provisions have been very strict, very stringent, no stone left unturned to keep them in their proper place, and as regards the people to whom you are giving a statutory right and a wide right, you are making them immune from all complaints, from all punishments. That is not really the spirit of true co-operation. Of course, in this Bill it were better that the word "co-operation" had not been mentioned, because the spirit of co-operation has been killed in the Bill. It will be more or less a departmental bank which will be worked by the Registrar and his subordinates. We tried from the very inception to improve the Bill, because we know that having destroyed all rural credit by various legislations there was only one possible way by which we could restore and regenerate rural credit—and it was the co-operative movement. We were ardent supporters of this movement; we were not cantankerous; we were not unreasonable critics of this Bill. We know that it is a potential Bill. We know that many countries in the West have improved by it, but what are we going to have by this Bill?

Sir, a long speech is unnecessary, because I know that I shall not be able to change the mind of the Hon'ble Minister. I am reminded of a well-known passage where Pope in his Dunciad spoke of Shadwell that he never deviates into sense. So I know that there is no chance of getting a sensible response from the Hon'ble Minister. What we find is—to quote the well-known lines of Byron—the sea looks at Marathon and Marathon looks at the sea—and here also the Hon'ble Minister looks at the Secretary and the Registrar, and the Secretary and the Registrar look at the Hon'ble Minister, and that is how the rest of the Bill will be like.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, after what my honourable friend Mr. Surendra Mohan Maitra has said, perhaps there is very little for me to add. I oppose these amendments.

Sir, I am not going to reply to the venom that has been sought to be poured on the floor of this House from day to day by the two honourable friends of mine who have taken very great pains to table such a large number of amendments. The question that is before us is whether the House will be justified in deleting this clause 126 which seeks to give some immunity (Rai HARENDRA NATH CHAUDHURI: Some immunity!) to the Registrar and other officers of the department while they will be acting in good faith under this Act. What to talk of the Registrar? I would remind the House that no officers of Government if they do something, which is criminal, are immune from the operations of the criminal law of the land. We have known of cases even of Judges who are not free from the clutches of the criminal law when they have broken the same. The question is very simple and that is this, that when one officer seeks to do something in good faith under a particular law and if he makes a mistake, whether he should be subjected to any unnecessary harrassment. It is from that point of view that the clause has been put in this Bill. My honourable friend, Dr. Sanyal, says that when there is this provision in the Government of India Act, why do you add another in this particular Bill. Well, if there is one in existence in that Act that has brought this House into existence, I do not see what objection can there be if we have another of that nature put in this Bill (Dr. NALINAKSHA SANYAL: More drastic!) just to save the officers of the department from unnecessary harrassment. But even then, if they make an intentional mistake, they will not be free or immune for their conduct, and, in that case, they will certainly be brought before Government for enquiry. I can assure my honourable friends who have spoken about this clause that there have been enquiries made with very drastic results against some of the officers of the department. Now, Sir, we are not free—I maintain—we are not free from public criticism. The Legislature is there and honourable members of the Legislature can certainly ask the Minister pertinent and relevant questions about the conduct of officers in the discharge of their duties. Therefore, Sir, there is hardly any justification for nourishing an apprehension of this nature. Now, while my friend, Dr. Sanyal, suggests that there should not be any immunity given, my friend Mr. Satyapriya Banerjee says that if the officers of the department should have this immunity, any person who may be connected with the co-operative movement should also have the same immunity. (Dr. NALINAKSHA SANYAL: What is sauce for the gander is not sauce for the goose!) Sir, I ask respectfully whether or not there is a distinction between an officer for Government and one who is not so. For a person who is not a Government officer has practically nothing at stake and Government have no direct control over him. But so far as officers of Government are concerned, they are completely under the control of Government and their services and their whole future are at stake if they commit an intentional mistake.

Sir, I would not like to take any more time of the House in my reply, but I can tell my honourable friend Dr. Sanyal that allegations are not proof—much less allegations can lead to any judgment! Therefore, Sir, when he says that the credit of the co-operative movement has got to be maintained and well established, I am entirely at one with him and it is from that point of view that we have brought forward this Bill before this House for its consideration so that with all the rights and responsibilities we expect to have, the department and the movement may be put on a very sound footing. With these few words, Sir, I oppose the amendment.

Mr. SPEAKER: There is just one point I would like to mention, Mr. Mullick. You have used the word "trustee" in clause 126 and "trustee" as defined in clause 2(*q*) means the person appointed to be a trustee under sub-section (*1*) of section 33. But there is no mention of the word "trustee" in section 33 and section 33(*1*) does not refer to the appointment of "trustee" in any way.

The Hon'ble Mr. MUKUNDA BEHARY BULLICK: I think, we have thought of trustees in cases of debenture schemes.

Mr. SPEAKER: In section 33, you will find that there is no mention whatsoever that you have got the right to appoint a trustee.

Dr. NALINAKSHA SANYAL: Yes, Sir, that is so, and it has escaped our notice.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may refer you to clause 33A which deals with the appointment of trustees.

Mr. SPEAKER: Yes, that is so, but it is not in section 33.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this particular matter has been included in the new clause 33A, and, I am very sorry, it escaped our notice.

Dr. NALINAKSHA SANYAL: And this in spite of the fact that you have been cogitating over this Bill for two years and a half!

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: But it escaped your notice too!

Dr. NALINAKSHA SANYAL: But we have no expert advisers!

Mr. SPEAKER: Now, I will put amendment No. 145.

The motion of Mr. Satyapriya Banerjee that in clause 126, lines 2 and 3, for the words "the Registrar or any person subordinate to him or acting on his authority or against a trustee" the words "any person" be substituted was then put and a division taken with the following result:—

AYES—53.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherjee, Mr. Tarakanath, M. B. E.
Mukherji, Dr. Bharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Sanyal, Dr. Nalinaksha.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—86.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Allaruddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuddin, Mr. M.
Asiad Hosain Khan, Khan Bahadur Maulvi.
Bali-Hari, Mian P. B.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirti Bhusan.
Ekber, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Haq, the Hon'ble Mr. A. K.
Fazlul Qoadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. S.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Sharbed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed, Mia, Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mehtabuddin Ahmed, Khan Bahadur Maulvi.

Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Manirudden Akhand, Maulvi.
Miles, Mr. C. W.
Mohsin Ali, Mr. Md.
Mostom Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Safaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebo-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sasoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed, Khondkar, Mr.
Sirdar, Babu Lilta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.

The Ayes being 53 and the Noes 86, the motion was lost.

Mr. SPEAKER: I will now put the main motion, namely, clause 126 stand part of the Bill so that you might have a chance of negativing it.

The question that clause 126 stand part of the Bill was then put and a division taken with the following result:—

AYES—90.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Mr. Asutosh Chandra.
Das, Rai Sahib Kirit Bhusan.
Esher, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gyasuddin Ahmed Choudhury, Alhaj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Manirudden Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Mostom, Ali Mollah, Maulvi M.
Mozammel Hoq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.

Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Pettiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Samaddah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Sorajuddin, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sircar, Babu Lalita, Manda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zaher Ahmed, Choudhury, Maulvi.

NOES—49.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Dutta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Gupta, Mr. Jagesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Dr. Nalinaksha.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Wahur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 90 and the Noes 49 the motion was carried.

Clause 134.

Mr. SPEAKER: Mr. Banerjee, which of the amendments under this clause would you like to move? I suggest that you move for the present amendments Nos. 149, 151, 152 and 164 for they deal with the same thing and may be moved together.

Mr. SATYPRIYA BANERJEE: But No. 152 is not the same thing.

Dr. NALINAKSHA SANYAL: It is not quite the same, Sir. There are three stages contemplated. No. 152 is the most exclusive, whereby it is intended that approval of the Legislature should be obtained; then, Sir, if that is not found acceptable by the majority party, the second alternative suggested by Mr. Banerjee is approval by a Joint Committee of both Houses. Even that failing, then comes No. 164, namely, mere placing it on the table.

Mr. SPEAKER: That is all right.

Dr. NALINAKSHA SANYAL: So, Sir, there are three distinct stages and therefore they cannot be covered in one speech; at least, the amendments should be put separately; they cannot be covered in one voting.

Mr. SPEAKER: No, no, they must be voted upon separately, but I am quite sure that Mr. Banerjee will be able to cover all these amendments in one speech.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move—

that in clause 134 (*1*), line 3, after the word "publication" the following words be inserted, namely:—

"and with the approval of a joint committee consisting of members of all parties and groups in both the Houses of the Legislature";

that in clause 134 (*1*), in line 3, after the word "publication" the words "and with the approval of the Legislature" be inserted;

that in clause 134 (*1*), line 4, for the words "to carry out the purposes of this Act" the words "for the purpose of carrying out the provisions of this Act" be substituted; and,

that after clause 134 (*5*), the following new sub-clause be added, namely:—

"(*6*) All rules made under this section shall be laid on the table of both the Houses of the Legislature."

Mr. Speaker, Sir, now we have come to the last stage of the Bill, that is to say, the last clause which deals with what is known in constitutional phraseology as delegated legislation, or more aptly in the language of Lord Chief Justice Hewart, "new despotism." There has been always a tug-of-war between the people and the Government, and there has been always at every stage of constitutional development suspicion of the people against the Government that if they are given certain powers they will use them arbitrarily and unconstitutionally to the detriment of the valued or cherished rights of the people. In this complex civilization of the modern age I do not deny that it has been found necessary to give some powers to the Government so that a legislation that is passed by the Legislature may be given effect to. But that does not mean that by this, power is also given to Government to affect and create substantive rights without the approval of the Legislature. It is as a protection against the encroachment upon those

rights that the Legislature has always provided for certain checks to and safeguards against the rule-making power of the Government. My amendments Nos. 151, 149 and 164 are all intended to provide for these checks and safeguards. One is the approval of the Legislature; the second is the approval of a committee consisting of members of all parties and groups in the Legislature; thirdly, placing the rules on the table of both the Houses of the Legislature. These are all compromises between the people and the Government so far as this rule-making power is concerned. The great English constitutional lawyer, A. V. Dicey, in his famous book "Law of the Constitution" writes as follows: "The rule of law which forms the fundamental principle of the constitution excludes the existence of arbitrariness or prerogative or even of wide discretionary authority on the part of the Government." But nowadays it has been the accepted principle that the Legislature should confine its efforts to the task of laying down general principles and to delegate to subordinate authorities the power of making rules and orders for the purpose of settling the details of the procedure necessary for giving effect to general principles. Mark these words, "settle the details of the procedure necessary for giving effect to the General principles." I am quoting from Craies' Statute Law. Thereby it means to say that the rule-making powers are intended for settling the procedure for giving effect to the povisions of the statute. But that does not in any way empower the Government to affect the substantive rights of the people concerned. That being the case, even the Central Legislature has in one of their latest Acts, I mean the Indian Insurance Act of 1938, laid down under section 114, dealing with the power of the Central Government to make rules, "provided that every rule made under this section shall be laid as soon as may be, after it is made before both the Chambers of the Central Legislature for one month while they are in session, and if within one month from the date, on which the rule has so been laid, both the Chambers agree in making any modification in the rules, or both the Chambers agree that the rule should not be made, the rule thereafter shall have effect only in such modified form or shall be of no effect as the case may be."

Even the Madras Government in its present Act have the provision of laying the rules on the table, and the Madras Committee on Co-operation have improved on the existing state of things there. They recommend, "all such rules shall be laid on the table of both the Chambers of the Madras Legislature. If the Madras Legislative Assembly passes a resolution rescinding or modifying any such rule, such rule shall stand cancelled or modified accordingly." It will not be out of place to mention in this connection that Regulations under the Friendly Societies Act of England shall have to be laid before both Houses of Parliament.

Lastly, Sir, may I quote the opinion of the "Statesman," which in its leading article of 28th May, 1939, laid down that the executive have been taking too much power under cover of rule-making power and recommended that such rules framed by Government should be subject to the approval of the Legislature. I think in that view of the case, the members of the European group in the Assembly would at least so far as this matter is concerned vote with us and follow the direction recommended by their organ.

Sir, I do not know what the attitude of the Government will be. If the attitude of the Government is to oppose the Opposition in every matter, then the fate of my amendment is sealed, but that will not be the case, although I cannot count upon the reason and commonsense of the Hon'ble Minister in charge who has betrayed a lamentable lack of these qualities during the whole course of discussion of this Bill, if I can count upon the reasonable support of the members of the majority party in this House. If the majority party are willing or intent upon allowing the Government to encroach upon the rights of this Legislature, I shall certainly join issue with them. But I cannot persuade myself to believe that they will be a party to it. We are here not to restrict our rights, but we are here to protect and further our rights, and my amendments are simply to protect those rights, which are going to be infringed upon by the executive Government. In that view of the case, I think there is absolutely no justification for the Government to come before this House for the purpose of taking such unnecessary wide and dictatorial rule-making power as is provided in clause 134 which in fact should remain the close preserve of the Legislature. A Bill which has 134 clauses provides for making rules under not less than 90 heads. Is not that preposterous? Is not that scandalous? Is not that robbing the House of its most cherished and valuable right? And are we going to put up with this? I am sure my fellow-members of the Legislature will join with me at least in this matter of protecting the rights of this Legislature. It will be said, perhaps, that you have those saving words, "after previous application." What is that? That is practically nothing. That may be a very small check, but that is not what we want. That will not protect the rights of the Legislature. What we want is to protect and further those rights and not allow those rights to be curbed, and I hope in this matter my friends in the Coalition Party will support me.

Dr. NALINAKSHA SANYAL: Sir, I would only add a few words. I don't like to take up the time of the House in moving my amendment. I support the amendment No. 151 of Mr. Satyapriya Banerjee. I have already indicated that my friend Mr. Banerjee conceives of three alternatives.

Mr. SPEAKER: Are you moving your amendment No. 163, which is substantially the same?

Dr. NALINAKSHA SANYAL: It is substantially the same, but these two can be taken independently.

Mr. SPEAKER: The whole point is this, whether in the matter of making rules, Government is to have independent power, or something else should intervene—a joint committee or the Legislature.

Rai HARENDRA NATH CHAUDHURI: Or new despotism!

Mr. SPEAKER: Dr. Sanyal, are you moving your amendments Nos. 150 and 163?

Dr. NALINAKSHA SANYAL: Yes, Sir. I do move formally. Sir, I beg to move that in clause 134 (*5*), in line 1, after the words "shall be" the following words be inserted, namely:—

> "laid on the table of each House of the Provincial Legislature as soon as possible after they are prepared and the approval of the Legislature shall be sought for the same. The rules shall be subject to such modifications as the Provincial Legislature may make, and after they are finally made and approved shall be."

If my amendment is accepted, the last part of section 134 will read like this:—

> "All rules proposed to be made under this section shall be laid on the table of each House of the Provincial Legislature as soon as possible after they are prepared, and the approval of the Legislature shall be sought for the same. The rules shall be subject to such modifications as the Provincial Legislature may make and after they are finally made and approved shall be published in the Official Gazette, and on publication shall have effect as if enacted in this Act."

I beg further to move that in clause 134 (*1*), in line 3, after the word "publication" the words "and approval of the Provincial Legislature" be inserted.

Sir, Mr. Satyapriya Banerjee is not quite so definite and so optimistic. He has therefore held out three alternative proposals to the Hon'ble Minister in charge and the majority party. He has in the first place kept his claim high and demanded that the rules must have previous approval of the Legislature. Thereafter, failing that

he proposes that at least the rules should be approved by a joint committee of the two Houses of the Legislature, and thereafter even if that is unacceptable, he demands, and his demand is very moderate indeed, that they should be laid on the table of the two Houses of the Legislature. But, Sir, so far as I am concerned, I am not prepared to yield an inch of ground. We have fought on this Bill right from the very beginning, and even if I go down, I will go down fighting.

Rai HARENDRA NATH CHAUDHURI: With all flags flying!

Maulvi ABDUL WAHAB KHAN: You will go down, where?

Dr. NALINAKSHA SANYAL: I will go down in battle with you.

I feel that it is no use holding out alternatives, because even the most modest claims would not be listened to with the respect that such claims deserve. Sir, my esteemed friend Mr. Banerjee has already explained the dangers that democratic Governments are prone to, due to increasing attempts for delegated legislation. I appeal to the members of this House to be on guard in their own interest in regard to such delegated legislation and attempts to take away from the purview of the Legislature important provisions and also attempts to leave such provisions to be made in the rules. This is a very important question of principle, and once this House is going to yield there is no knowing to what extent we may be dragged to surrender our rights and privileges—the rights and privileges of this House—to provide for the conduct of people in this province in regard to various matters in connection with which law is contemplated. We shall have before us very soon other pieces of legislation where also—you will pardon my referring to these Bills in anticipation—I fear there will be attempts to take away from the purview of the Legislature many important matters. It was only this morning that I was studying the particulars of another Bill where I found that a similar attempt is going to be made.

Sir, I, would, through you, appeal to the Hon'ble Minister in charge not to cut his own throat. I would also appeal to the members of the majority party. I would respectfully request them to pause and consider if they would be well advised to give up their own valued privilege of making the laws themselves. This House has at least the right to see what rules the Government are likely to make or are trying to make and to attempt to improve upon such rules or to critically examine such rules when they are framed. I have, therefore, suggested that all rules to be made under this Act should be subject to the approval of the Legislature, and I have towards the end proposed the procedure which should be followed in seeking such approval.

Sir, the Central Legislature, which conducts affairs of the Government of India, also realized this danger, and we have noticed that in most of the recent Bills passed there, in which powers were proposed to be given to the Government to frame rules, it has been provided for such rules being placed before the Legislature concerned for the approval of the Legislature or otherwise. It was as a result of such a healthy provision that we had not long ago the privilege of examining the rules relating to the guidance of motor vehicles in this province. If such a provision was not made in that Central Motor Vehicles Act, we would not have had any opportunity of examining what Government was proposing to do. Apart from the questions arising out of the Co-operative Societies Bill, wider—bigger—issues are involved in this connection, and I would like my friends opposite to realize the gravity of the situation and to at least provide that any rules that Government would make must be subject to the approval of the Legislature. Surely, Sir, the heavens will not fall if such provisions are made; on the contrary, it would be possible for us to know and to examine critically in the light of our practical experience of the country-side how far such rules were going to yield beneficial results. In this particular Act it will be noticed that in a big Bill covering 134 sections there are as many as 7 pages covering various items of rule-making powers. Some of them, of course, relate to formal matters and might as well be left to the department without much hesitation, but there are others which are not quite so formal in character. There are rules empowering officers of Government under certain circumstances to dissolve managing committees and to empower a person—an individual—under section 126 to manage the affairs under certain conditions that would be prescribed under the rules. The provision for dissolution of managing committees is bad enough; the power to appoint an outsider to manage the affairs of a society is bad enough. But worse still is the power proposed to be given in the rules to define the conditions under which such persons should function. There is also a provision in section 123A to depute a servant of the Crown to manage the affairs of the society. There also it is provided that he will exercise such powers and perform such duties as may be prescribed. He will not only be appointed by Government but will also exercise powers that will have to be defined in future under the rules.

Sir, I have been warned with the blue light (The Hon'ble Mr. MUKUNDA BEHARY MULLICK: To be followed by the red light.) which is a sign of hope. But here in this Legislature the blue light is followed by the red and that red is the blocking light to everything, and before that red light burns I shall live in hope and expect the Hon'ble Minister in charge at least to accept one humble suggestion that the rules to be prescribed by Government should be approved by the Legislature.

With these words, Sir, I commend my amendment to the acceptance of the House.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I will not take much time of the House for what could be said on this motion has already been said by the previous speakers. But I want to draw the attention of the Hon'ble Minister to a recent legislation in the Punjab—the Punjab Agricultural Produce Markets Act, 1939. Sir, I refer to the Punjab Act because the Punjab may have some influence over a large number of members of this House. In the recent legislation of the Punjab—the Punjab Agricultural Produce Markets Act (V of 1939)—with regard to the rule-making power of the House, in section 27 of the Act, it has been said that such rules shall be laid on the table of the Legislative Assembly for one month previous to the next session thereof and shall be liable to be rescinded or modified by a motion of the said Assembly tabled at the next session.

Sir, even in the year 1908, long before we could talk of any Provincial Autonomy, we find that in section 122 of the Civil Procedure Code there was a rule-making power of the High Courts. The High Courts were invested with powers to make rules regulating their own procedure and procedure of the Civil Courts subordinate to their superintendence. But here if we look to clause 134, we will find that not with regard to the procedure only but even as regards the main, substantive power of rule-making has been given to Government. But even in the year 1908, after section 122 of the Civil Procedure Code, in section 123 of that Code we find that a committee to be called the Rules Committee shall be constituted consisting of the following persons: three Judges of the High Court, a Barrister practising in that Court, an Advocate, a Vakil or a Pleader enrolled in that Court and a Judge of the Civil Court subordinate to the High Court in the towns of Calcutta, Madras and Bombay, and an Attorney. You will find, Sir, that in the year 1908 when there was no talk of Provincial Autonomy a law was enacted by which the rule-making power was invested to the High Court with regard to procedure. There was a wise provision in the Act itself in section 123 by which a committee was constituted not only of the Judges of the High Court but of a Barrister, a Pleader and a Subordinate Judge and an Attorney. So, Sir, care was taken so that in making rules there may not be any mistakes. Here I do not find why this amendment should not be accepted by this House. Certainly this Government has got the majority in the Legislature. So if the rules are laid on the table and approved of by the House they will have the advantage of the criticism of the members and mistakes may not occur. If this motion be accepted by the Hon'ble Minister it is to his advantage and to the advantage of the department itself for whose benefit this law is said to have been enacted. We want—every one of us want—that this movement should flourish and that there should not be any mistake in the working

of this Act. If the rules are laid on the table and subjected to criticism of the members of the House, mistakes will not occur. We want there should not be any mistake in the rules and there should be a good working of the Act. So, if we look to the present tendency of the Punjab Legislature which can be copied by Bengal, we find that the rules should be laid on the table and should be approved of by the Legislature, and when even in the year 1908 such an action could be taken, I think the Hon'ble Minister should not find any difficulty in accepting this motion.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I do not think I should be justified to take a long time of the House in replying to the debate in connection with the amendments moved by my friends, Mr. Banerjee and Dr. Sanyal.

Sir, many things have been said as to why this should be done or should not be done. Sir, I can only assure the House that far from having any disrespect, I have the highest respect for the Legislature (Dr. NALINAKSHA SANYAL: Oh! oh!) for whatever my friends opposite may say, we have got to take the policy from the Legislature, otherwise we are subjected to criticism; at the same time, we are also anxious to receive the very best advice that the Legislature, as representatives of the people, can give to the executive in the discharge of their duties. (Dr. NALINAKSHA SANYAL: You are bound to as you are servants of the Legislature!) I go further and say that we are servants of the public. (Dr. NALINAKSHA SANYAL: I hope, you were.) Sir, the suggestion has been made that the rules to be framed are to be placed before a joint committee of the Legislature for their approval and, failing that, the suggestion is made that they should be laid on the table and should not be acted upon unless a vote has been taken approving of the same. Now, Sir, in that connection, many things have been said, namely, that in the rule-making power that Government seeks to take under this clause, many substantive provisions have been made. Now, Sir, there I join issue with my honourable friends that whatever we seek to do through rules, there must be clear provision made in the body of the Act. The rule-making clauses seeking to make rules must follow the main provisions of the Act whereby details of certain procedures have got to be laid down. As was pointed out by my friend, Dr. Sanyal, that in the two instances that he has chosen to give, namely, that when managing committees are to be dissolved and reconstituted under clause 26 or when a servant of the Crown is to be appointed under clause 23A, difficulties will arise. But, Sir, before any action can be taken, there is a further procedure to be followed and all the details of that procedure must be laid down in the rules. Therefore, Sir, no question of trampling upon the rights that the House has, does at all arise.

Now, my friend, Mr. Dhirendra Nath Datta, travelled very far and went to the Punjab to tell the House that under section 27 of the Punjab Agricultural Produce Act, there is that provision whereby they say that the rules framed are to be laid on the table and cannot be acted upon unless a month has elapsed and a vote has been taken. I would only say that one does not stand in comparison with the other. Unless one is sure of the provision that has been made in that Act, it is not possible for one to say whether there is anything that can be deduced from an observation of this nature.

As regards the Civil Procedure Code, I may say that whatever the first body of Judges did or did not do, I am not perfectly sure; but we know that now the Judges do change their own rules and they do not ask for the vote of any particular body.

Sir, in this connection, I would remind the House that the rules cannot be finally accepted unless they have been previously published and previous publication, if it means anything, means this, that whatever suggestion—whatever reasonable suggestion—will be given by members of the public interested in this movement or by members of the Legislature will certainly be examined and if there is anything that ought to be accepted, I do not see any reason why that should not be done. Therefore, Sir, so far as the third question of laying the rules on the table is concerned, I do not think there ought to be any apprehension from that point of view. The previous publication ought to set at rest any nervousness or any apprehension that is still lingering in the minds of my honourable friends opposite. I do not want to take any more time of the House. With these words I oppose all the amendments.

Mr. SPEAKER: There is one motion which wants the approval of the joint committee, that is No. 149, and the amendments Nos. 150, 151 and 163 want the approval of the House. I will put 149 first.

Dr. NALINAKSHA SANYAL: I submit that the scope of amendments Nos. 150, 151 and 163 is the widest and they should be put first.

The motions of—

Dr. Nalinaksha Sanyal that in clause 134(*1*), in line 3, after the word "publication" the words "and approval of the Provincial Legislature" be inserted;

Mr. Satyapriya Banerjee that in clause 134(*1*), in line 3, after the word "publication" the words "and with the approval of the Legislature" be inserted; and

Dr. Nalinaksha Sanyal that in clause 134(5), in line 1, after the words "shall be" the following words be inserted, namely:—

"laid on the table of each House of the Provincial Legislature as soon as possible after they are prepared, and the approval of the Legislature shall be sought for the same. The rules shall be subject to such modifications as the Provincial Legislature may make, and after they are finally made and approved shall be",

were then put and a division taken with the following result:—

AYES—63.

Abdul Jabbar Pahwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Ahmuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jagesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.*
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nirtha Nath.
Maguire, Mr. L. T.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Manirujzaman Islamabadi, Maulana Md.
Meghul Hossain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nawsher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniadra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—96.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Md.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shakoor, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashem, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Acharyya Chowdhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Alhazuddin Ahmed, Khan Bahadur Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashraficl, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddeja, Mr. Syed.
Biswas, Mr. Rasik Lal.

Bracher, Mr. F. G.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Ezhar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca.)
Fazlur Rahman, Mr. (Mymensingh).
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhaj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mukherjea, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Norton, Mr. H. R.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed, Khandkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 63 and Noes 96, the motions were lost.

The motion of Mr. Satyapriya Banerjee that in clause 134(*1*), line 3, after the word "publication" the following words be inserted, namely:—

> "and with the approval of a joint committee consisting of members of all parties and groups in both the House of the Legislature"

was then put and lost.

The following motions of Mr. Satyapriya Banerjee were then put and lost:—

> that in clause 134(*1*), line 4, for the words "to carry out the purposes of this Act" the words "for the purpose of carrying out the provisions of this Act" be substituted; and
>
> that after clause 134(5), the following new sub-clause be added, namely:—
>
> "(6) All rules made under this section shall be laid on the table of both the Houses of the Legislature."

Mr. SPEAKER: Mr. Banerjee, you have to move your further amendments on this clause.

Mr. SYED JALALUDDIN HASHEMY: There is no quorum, Sir.

(The bell was rung and a quorum was formed.)

Mr. SPEAKER: Mr. Banerjee, perhaps you can now move your amendments Nos. 154, 155, 156, 158 and 162.

Mr. SATYAPRIYA BANERJEE: All right, Sir, I beg to move—

that clause 134(2)(d)(xx) be omitted;

that clause 134(2)(d)(xx) be omitted;

that clause 134(2)(d)(xxi) be omitted;

that clause 134(2)(d)(xxiv) be omitted, and

that clause 134(3) be omitted.

Dr. NALINAKSHA SANYAL: Sir, I beg to move my amendments Nos. 157, 159 and 160, as follows:—

that in clause 134(2)(d)(xxi), line 4, for the words "an executive officer" the following words be substituted, namely—

"a person appointed under section 26";

that in clause 134(2)(d)(xxiv), in line 1, after the word "the" the words "minimum number of" be inserted; and

that in clause 134(2)(d)(xxiv), in line 3, after the word "thereof" at the end the words "and the training undergone by supervisors of financing banks," be added.

Sir, I would just like to make some particular reference to two of these amendments. In my amendment No. 157 the words "executive officer" no longer remain. That term has been deleted from the section, and I still hope that the Hon'ble Minister will see his way to accept this amendment of mine.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may inform my honourable friend at this stage that so far as 157 is concerned, I accept it as it is covered by my amendment No. 188. I am also prepared to accept his amendment No. 159.

Dr. NALINAKSHA SANYAL: Thank you. That will do. Therefore I do not want to speak.

The following motions of Dr. Nalinaksha Sanyal were then put and agreed to:—

that in clause 134(2)(d)(xii), line 4, for the words "an executive officer" the following words be substituted, namely:—

"a person appointed under section 26"; and

that in clause 134(2)(d)(xiv), in line 1, after the word "the" the words "minimum number of" be inserted.

The following motion of Dr. Nalinaksha Sanyal was then put and lost:—

that in clause 134(2)(d)(xiv), in line 3, after the word "thereof" at the end the words "and the training undergone by supervisors of financing banks," be added.

The motions of Mr. Satyapriya Banerjee—

that clause 134(2)(d)(ix) be omitted;

that clause 134(2)(d)(x) be omitted;

that clause 134(2)(d)(xi) be omitted;

that clause 134(2)(d)(xiv) be omitted; and

that clause 134(3) be omitted

were then put and lost.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in clause 134(1), line 2, for the words "the province" the word "Bengal" be substituted;

that in clause 134(2), in line 2, after the word "may" the words "provide for all or any of the following matter, namely :—" be inserted;

that in clause 134(2), of paragraphs (a)-(d) and (i)-(lxv) the word "prescribe" wherever it appears be omitted;

that in clause 134(2)(d) in paragraph (viii), for the word "a", in line 1, the word "the" be substituted;

that in clause 134(2)(d) for paragraph (x) the following be substituted:—

"(x) the qualifications, disqualification, term of office, suspension and removal of members of managing committees and officers of different classes of co-operative societies.";

that in clause 134(2)(*d*) in paragraph (*xx*), (*i*) for the word "gurantees" the word "guarantees" be substituted and (*ii*) for the figures "37" the figures "33" be substituted;

that in clause 134(2)(*d*) in paragraph (*xxiii*) for the words "or the lending of money on immovable property is prohibited or restricted" the words "and the determination by a society of the maxima and normal credits of its members" be substituted;

that in clause 134 (2)(*d*) in paragraph (*xxiv*), for the word "trade," in line 2, the words "transact business" be substituted;

that in clause 134(2)(*d*), in paragraph (*xlix*), for the figures "106" in line 2, the figures and letter "96A" be substituted;

that in clause 134(2)(*d*) in paragraph (*xl*), for the words "the form of his audit report and authenticated statement of accounts" the words "the form in which the statement of accounts shall be prepared for his audit, the limits within which he may examine the monetary transactions of the society, the form of his audit report and statement of accounts audited" be substituted;

that in clause 134(2)(*d*) in paragraph (*lvii*), for the word "thus" in line 5, the word "so" be substituted;

that in clause 134(2)(*d*) in paragraph (*lviii*), the words and figures "section 109 and" be omitted;

that in clause 134(2)(*d*) for paragraph (*lxiii*), the following be substituted:—

"(*lxiii*) the exercise of the powers conferred by section 122";

that in clause 134(2)(*d*) in paragraph (*lxv*), the word "and" in line 4, be omitted;

that in clause 134(2)(*d*) paragraph (*lxvi*) be omitted;

that in clause 134(3) after the word "that" in line 2, the words "any person committing" be inserted;

that in clause 134 (3) after the word "shall" in line 2, the words "on conviction by a Court" be inserted;

that in clause 134 (3) after the word "continues" in line 6 the words "subsequent to such conviction" be inserted;

that sub-clause (5) of clause 134 be omitted;

that in clause 134 (2) (*d*) for paragraph (*xiia*) the following be substituted:—

"(*xiia*) the circumstances in which delegates may be elected for the purposes of section 20, the manner of electing delegates for any of the purposes of this Act and the manner in which delegates so elected, shall vote";

that in clause 134 (2) (d) in paragraph (xxxii) after the word "profits" the following be inserted, namely:—

"the extent of the contribution which may be made under clause (b) of that section";

that in clause 134 (2) (d) in paragraph (xlvi), after the word "liquidator" in line 3 the words "the condition of such appointment" be inserted; and

that in clause 134 (2) (d) in paragraph (xla) for the words "of supervision by" the words "in which appointments shall be made and control exercised by" be substituted.

Dr. NALINAKSHA SANYAL: Sir, may we know from the Hon'ble Minister as to what has transpired between the submission of the Select Committee's report and now to necessitate so many changes in one section that he has now moved?

Mr. SPEAKER: Are you not rather too late to draw attention to this matter?

Dr. NALINAKSHA SANYAL: No, Sir, I was just wondering if some of these amendments were due to any changes effected in the Act itself or due to our amendments in the sections concerned. Either the Hon'ble Minister and his advisers did not apply their minds properly beforehand or he is placing new matters which are entirely irrelevant or not justified. Let us know, Sir, what is the position, or, is it the position that, as my friend Mr. Banerjee puts it, wiser counsel is now prevailing?

The motions of the Hon'ble Mr. Mukunda Behary Mullick were then put and agreed to.

The question that clause 134, as amended, stand part of the Bill was then put and agreed to.

First Schedule.

The question that the First Schedule stand part of the Bill was put and agreed to.

Second Schedule.

Mr. SPEAKER: Dr. Sanyal, you may now move your amendments Nos. 165, 169, 172 and 173.

Dr. NALINAKSHA SANYAL: Sir, I would like to move No. 165 separately as it concerns the Second Schedule, while the others relate to the Fourth Schedule.

I therefore beg to move that after serial No. 1 in the Second Schedule the following be inserted, namely:—

Serial.	Section.	Powers.
1A ..	25 and 26 ..	Regarding dissolution and reconstitution of a managing committee and appointment of a person to manage the affairs of a society.

Sir, this Schedule gives a list of such of the Registrar's powers as should not be transferred or delegated and should be exercisable by the Registrar himself. I think that the power to dissolve a managing committee and to reconstitute the same is such an important matter that it should not be delegated to any officer of a rank below that of the Registrar. I hope, Sir, the Hon'ble Minister will realize at least the importance of this amendment because after all it is a very vital matter for the managing committee of a society to be dissolved, and it should not be permissible for this to be done by any officer or an underling of the Registrar. The Registrar has got large powers. Even then he is the head of the department. So let him exercise the powers himself and we will then see if he is exercising those powers judiciously or otherwise. I think, Sir, that this is a proposal which should be acceptable to the majority party if only because managing committees of co-operative societies over which the Registrar may have such powers exercised will consist of members of the majority party in the Legislature itself and not so much of members of the Congress.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, my short answer is that so far as the central banks are concerned, it is contemplated that these will be supervised by the Registrar himself. But my friend Dr. Sanyal will realize the difficulty if we are to accept an amendment of this nature as to what will happen with regard to the large number of village societies. So far as they are concerned, if anything of this nature happens the powers have to be delegated by the Registrar.

Dr. NALINAKSHA SANYAL: Will that be of frequent occurrence?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: May not be frequent, but it is just possible.

Dr. NALINAKSHA SANYAL: The relevant files must come up to the Registrar who is the highest authority in his department. Besides, an appeal always lies to the Registrar.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is always an appeal to the Registrar.

Mr. SPEAKER: Since an appeal is made to the Registrar, how can he be prejudiced?

Dr. NALINAKSHA SANYAL: The appeal will go to the Government if the Registrar is there.

The motion of Dr. Nalinaksha Sanyal that after serial No. 1 in the Second Schedule the following be inserted, namely:—

Serial.	Section.	Powers.
1A ..	25 and 26	Regarding dissolution and reconstitution of a managing committee and appointment of a person to manage the affairs of a society.

was then put and lost.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in the Second Schedule in respect of item 3, in the entry in column 3, for the word "the" in the second place in which it occurs in line 1, the word "a" be substituted; and

that in the Second Schedule in respect of item 4—

(*a*) for the figures "121" in column 2, the figures and brackets "121 (2)" be substituted, and

(*b*) in the entry in column 3—

(*i*) for the words "enquire into the conduct of" in line 1, the word "require" be substituted,

(*ii*) the word "of" in the first place in which it occurs in line 3 be omitted, and

(*iii*) the words "and to require such person or officer" in lines 3 and 4, be omitted.

The motions were then put and agreed to.

The question that the Second Schedule, as amended, stand part of the Bill was then put and agreed to.

Third Schedule.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in the Third Schedule in respect of item 3—

(*a*) for the entry in column 2 the following be substituted, namely—

"Sums awarded to a co-operative society by any order made under section 82 or by an award having the effect of a final mortgage decree under section 83"; and

(*b*) in line 7 of the entry in column 3, for the word "Registrar" the word "society" be substituted; and

that in the Third Schedule in respect of item 5, in the entry in column 3 the words "by rules made under this Act" be omitted.

The motions were then put and agreed to.

The question that the Third Schedule as amended, stand part of the Bill was then put and agreed to.

Fourth Schedule.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move—

that in the Fourth Schedule, serial A, column 3, for the words "Provincial Government" the words "the judicial authority having jurisdiction" be substituted;

that in the Fourth Schedule, serial 4, column 3, for the paragraphs (*a*) and (*b*) the words "the judicial authority having jurisdiction" be substituted;

that in the Fourth Schedule, against serial 5, in column 3, for the words "Provincial Government" the words "judicial authority having jurisdiction" be substituted; and

that in the Fourth Schedule against serial 6 in column 3, for the word "Registrar" the words "Judicial authority having jurisdiction" be substituted.

Dr. NALINAKSHA SANYAL: Sir, I beg to move—

that in the Fourth Schedule under column 3 against serial No. 4 for the word "Registrar" in line 3 of sub-paragraph (*b*), the words "competent Civil Court" be substituted;

that in the Fourth Schedule under column 3, against serial No. 6, for the word "Registrar," in line 3, the words "Provincial Government" be substituted; and

that in the Fourth Schedule, under column 2, against serial No. 7, line 2, after the word and figures, "section 121" the words and figures "or section 123" be added.

They are self-explanatory. We have tried to bring appeals before judicial authorities and not before the Registrar in certain cases, particularly when civil claims of a serious nature are involved.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to the internal affairs of a society, I submit that the District Judge will have very little to do, but in respect of such offences, as are mentioned in clause 121, we have provided for an appeal to the District Judge.

Sir, I beg to move—

that in the Fourth Schedule in respect of item A, for the entry in column 3 the following be substituted, namely—

"By any member of the society—

(*a*) if passed by the Registrar; to the Provincial Government; or

(*b*) if passed by any other person; to the Registrar";

that in the Fourth Schedule in respect of item 2, for the entry in column 3 the following be substituted—

"By any member of the managing committee—

(*a*) if passed by the Registrar; to the Provincial Government; or

(*b*) if passed by any other person; to the Registrar";

that in the Fourth Schedule in respect of item 5, for the entry in column 3 the following be substituted—

"By any member of the society—

(*a*) if passed by the Registrar; to the Provincial Government; or

(*b*) if passed by any other person; to the Registrar"; and

that in the Fourth Schedule in respect of item 8, in the entry in column 3 the words "by the rules" be omitted.

Dr. NALINAKSHA SANYAL: Sir, before you put 167 to vote, may I point out that section 123, which the Honble Minister has just now suggested, has power to enforce certain obligations which are of a serious nature requiring certain payments and there no appeal is provided. I suggested in my amendment No. 173 that in addition to section 121, section 123 should also be included, because I do not find any provision for appeal there.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir. We will include clause 123 in the appeal provision.

Dr. NALINAKSHA SANYAL: Thanks very much.

The motion of Mr. Satyapriya Banerjee that in the Fourth Schedule, serial A, column 3, for the words "Provincial Government," the words "the judicial authority having jurisdiction" be substituted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in the Fourth Schedule, under column 2, against serial No. 7, line 2, after the word and figures "section 121," the words and figures "or section 123" be added, was then put and agreed to.

The motions of Mr. Satyapriya Banerjee—

that in the Fourth Schedule, serial 4, column 3, for the paragraphs (*a*) and (*b*) the words "the judicial authority having jurisdiction" be substituted;

that in the Fourth Schedule, against serial 5, in column 3, for the words "Provincial Government" the words "judicial authority having jurisdiction" be substituted; and

that in the Fourth Schedule against serial 6 in column 3, for the word "Registrar" the words "Judicial authority having jurisdiction" be substituted,

were then put and lost.

The motions of Dr. Nalinaksha Sanyal—

that in the Fourth Schedule under column 3 against serial No. 4 for the word "Registrar" in line 3 of sub-paragraph (*b*), the words "competent Civil Court" be substituted; and

that in the Fourth Schedule under column 3 against serial No. 6, for the word "Registrar," in line 3, the words "Provincial Government" be substituted,

were then put and lost.

The following motions of the Hon'ble Mr. Mukunda Behary Mullick were then put and agreed to—

that in the Fourth Schedule in respect of item A, for the entry in column 3 the following be substituted, namely—

"By any member of the society—

(a) if passed by the Registrar; to the Provincial Government; or

(b) if passed by any other person; to the Registrar";

that in the Fourth Schedule in respect of item 2, for the entry in column 3 the following be substituted—

"By any member of the managing committee—

(a) if passed by the Registrar; to the Provincial Government; or

(b) if passed by any other person; to the Registrar";

that in the Fourth Schedule in respect of item 5, for the entry in column 3 the following be substituted—

"By any member of the society—

(a) if passed by the Registrar; to the Provincial Government; or

(b) if passed by any other person; to the Registrar"; and

that in the Fourth Schedule in respect of item 8, in the entry in column 3 the words "by the rules" be omitted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move—

that in the Fifth Schedule in respect of item No. 5 in entry in column 2, for the words "any rule under this Act" the words "the rules" be substituted;

that in the Fifth Schedule in respect of item No. 5 in entry in column 3, for the words "rules under this Act" the words "the rules" be substituted; and

that in the Fifth Schedule in respect of item No. 5 in entry in column 4, for the words "prescribed by rules under this Act" the words "provided in the rules" be substituted.

The motions were then put and agreed to.

The question that the Fourth Schedule and the Fifth Schedule, as amended, stand part of the Bill was then put and agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in line 2 of the preamble after the word and comma "societies," , the word "and" be inserted.

Mr. SATYAPRIYA BANERJEE: Sir, I beg to move that for the existing preamble the following preamble be substituted, namely:—

"Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists, artisans and other persons of moderate means with common economic needs so as to bring about better living, better business and better methods of production and for that purpose to amend the law relating to co-operative societies in Bengal;

It is hereby enacted as follows :—"

Sir, in the Statement of Objects and Reasons, we find from paragraphs 4 and 5 "the preamble has been recast so as to widen the scope of the movement for registering societies having as their object the promotion of the common interests of members in accordance with co-operative principles." But we have in clause 11 changed the whole thing. Instead of common interest, we have "common economic interests." That makes a good deal of difference and my amendment is only a consequential one and I hope the Hon'ble the Minister in charge will find his way to accept it.

Mr. SPEAKER: Common interests are common economic interests.

Dr. NALINAKSHA SANYAL: Probably, Sir, you are not aware that there is a big volume written to show the difference between common interests and common economic interests.

Mr. SPEAKER: But I don't think the preamble is affected by that at all, though a book can be written on that.

Mr. SATYAPRIYA BANERJEE: In that view of the case, I propose my amendment.

The motion of Mr. Satyapriya Banerjee that for the existing preamble the following preamble be substituted, namely—

"Whereas it is expedient further to facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among agriculturists, artisans and other persons of moderate means with common economic

needs so as to bring about better living, better business and better methods of production and for that purpose to amend the law relating to co-operative societies in Bengal;

It is hereby enacted as follows:"

was then put and lost.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in line 2 of the preamble, after the word and comma "societies," the word "and" be inserted, was then put and agreed to.

The question that the preamble, as amended, stand part of the Bill was then put and agreed to.

(At this stage the House was adjourned for twenty minutes.)

(After adjournment.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the Bengal Co-operative Societies Bill, 1938, as settled in the Assembly, be passed.

Mr. SPEAKER: I think there is a slight verbal amendment which will be necessary.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That follows as a matter of course, Sir.

Mr. SPEAKER: Still it is better that you should formally move it. You can do it at the third reading.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Just as you please, Sir. I formally move that in clause 2 (*q*), line 3, for the figure "33" the figure and letter "33A" be substituted

Dr. NALINAKSHA SANYAL: Sir, can we not expect the Hon'ble the Chief Minister to come? It is our desire that he should at least enlighten us at the third reading.

Mr. SPEAKER: I have sent for him

What I am suggesting is that ten minutes might be given to each speaker at the third reading of the Bill, because we have got just fourty minutes.

Dr. NALINAKSHA SANYAL: We may sit ten minutes more than the usual time, if necessary.

Mr. Khwaja SHAHABUDDIN: Sir, I have just arranged that one gentleman from each non-official group will speak and that two members from our party will speak for five minutes each, and the rest for ten minutes.

Mr. SYED ABDUL MAJID: Mr. Speaker, Sir, by the enactment of the Co-operative Societies Bill, 1940, we are entering into a new era of co-operative administration in the province. Co-operation will surely be called upon to perform in future an important part in the economic structure of rural Bengal. This has necessitated the amendment of the entire existing Act. In the Select Committee we realised our responsibility fully, particularly with regard to the powers to be given to the Registrar for checking abuses and irregularities prevailing at present in the working of the societies. We considered the powers as provided necessary for improvement of the movement as also for future development on sound lines. At the same time we have adequately provided safeguards against indiscriminate use of the powers by the Registrar. Above all, we have provided that all or any of the powers of the Registrar may be delegated to a well-managed society, thereby establishing once for all the most important and vital principle that co-operation should develop from within and not from without by the will of the Registrar or his staff. This is a very bold and healthy provision for encouraging non-official workers to work on sound lines. No province in India has gone so far to democratise a co-operative institution.

Next, Sir, we have not minced matters with regard to State assistance, financial or otherwise, to the co-operative institutions. Adequate State assistance has been provided in unequivocal terms for the development of the movement. We have also provided facilities for co-operative education and effective supervision of societies besides Government supervision.

Sir, my friends on the other side wanted quite unfettered freedom in the working of the societies (Rai HARENDRA NATH CHAUDHURI: Question!). May I ask them if they are serious in their conviction that the masses of people in this country are at present capable of managing the affairs of a society in an uncontrolled manner? Not to speak of the illiterate masses of people who form the constituents of the village societies, the most intelligent and educated people who manage the central banks and urban banks are often found to be lacking in the sense of responsibility. Many serious defalcations have been committed by these people. My friends on the opposite have said that these are due to non-separation of audit from administration. I fail

to realise how the separation of audit from administration can change the mentality of those who are inclined to dishonesty. As a matter of fact, in many instances, the audit was done by independent auditors, but the defalcations were detected by departmental officers. Sir, the remedy against defalcation lies not in the separation of audit from administration but in the better sense of responsibility of those who are in charge of the affairs of the society. At the same time, I do recognise the imperative necessity of separation of audit from administration, and steps should be taken by Government to make audit separate from administration as soon as possible.

Sir, whatever may have been said in the past, I can boldly say, knowing as I do the present day co-operative movement, that the Hon'ble Minister and the Registrar have been making a vigorous attempt to pull up the movement from the rut. They achieved considerable success in various directions. The movement is now throbbing with life—a life which was not in the movement for many years in the past. Anyone who cares to visit the countryside cannot overlook the present encouraging phase of the movement. I congratulate the Hon'ble Minister and the Registrar for giving a new healthy turn to the movement and also for enacting this beneficent piece of legislation which I am sure will go a long way to develop the movement on sound lines and achieve its destined end.

Khan Bahadur A. F. M. ABDUR RAHMAN: Mr. Speaker, Sir, I take this opportunity to congratulate the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department for being able to successfully pilot the much desired Co-operative Bill. Sir, the Bill was ready in the old Council, but they thought it fit to leave the Bill in the able hands of the present popular Government to pilot and put it on the statute book. The present Bill proposes almost a radical change from the Co-operative Act of 1912.

Sir, a very large power has been given to the Registrar to shape the destiny of the movement, but I think much would depend as to how the future Registrars would actually work out the provisions of the Act and also the rule to be framed hereafter. Accordingly, I think, Sir, that more care will have to be taken in selecting the personnel of the future Registrar. An indication has already been given by several prominent members of the Select Committee as to what class of officers is actually noted for successfully pushing the movement to the forward direction.

Sir, it was not possible to embody all the provisions in the body of the Act itself, so many things have been left out to be provided in the rules to be framed hereafter, and I think the rules would be as important as

the Act itself. We do not know what is the idea of the Government, but persons directly connected with the movement desire that the Government would do well if they propose to leave the rules to be framed by the present Registrar. I desire, Sir, that Government will take due care and caution in framing these rules so that it may not ultimately make it impossible for the non-official workers to work for the movement who do so more for love of work than for anything else.

Sir, we thought that our friends in the Opposition would be able to improve the Bill by putting real constructive suggestions, but unfortunately we found that some of them throughout the debate unnecessarily indulged themselves in abusing the present Registrar of Co-operative Societies—Khan Bahadur A. M. Arshad Ali—right and left. I sincerely deplore the bad taste of my friends, and I do not say anything beyond that. Sir I can say without any fear of contradiction that persons who are really connected with the co-operative movement will join with me in showering praise on Khan Bahadur A. M. Arshad Ali for what he actually did to rehabilitate the position of the movement. I think, Sir, that it is high time that the Government must come to some final decision with regard to Debentures Scheme, otherwise, if the Government try to realise the old debts of co-operative movement through the rigours of the present legislation, I am sure, Sir, that the movement is bound to be unpopular and will eventually come to a crash. The rigorous provisions which have been provided in the present Bill and which are now going to be enacted into law are quite all right for the future debt to be incurred by the members of the co-operative societies, but if the Government try to realise the old debts of the poor and helpless members with the rigorous provisions of the present law which is going to be enacted, I, for myself, shall strongly oppose it.

With these few words, Sir, I support the Bill for the final acceptance of the House.

Mr. W. C. WORDSWORTH: Mr Speaker, Sir, I support this motion. Since for a fortnight we have dealt vigorously with details and some of us have wrestled with details for two years, I may be permitted now to make only some general observations. I do so in the hope that I shall be able to draw the attention of the House to some of the aspects which, in the conditions in which we legislate, are rather forgotten.

In our discussions, obviously the Opposition get ample opportunities of putting forward their views, and, therefore, we have been taught for the last fortnight that everything in connection with the co-operative movement is failure, incompetence, darkness. But I should like

to remind the House, and anybody who reads my words, that there are also successes, gains and brightness. We have to strike a balance. Different people will strike the balance in different ways, and the balance I strike is not nearly as adverse a balance as some of my friends on my right would strike. Then when the balance is struck, I think, each to his balance sheet should add two footnotes; one reminding the writer of something that has not been mentioned in this discussion, viz., that whatever may be the faults and failures of the co-operative movement, it has done something to bring down the general rate of money-lenders' interest in this province throughout the country districts. When men, when even a small proportion of the peasantry, can get loans at reasonable rates through the co-operative institutions, it is a matter of experience that money-lenders cannot in general keep their rates up to the terrible figures at which they stood some years ago. I may remind you here of what I hear, that among the great opponents of all co-operative measures and debt conciliation measures are our friends the Pathans.

The second footnote should remind its writer that what has been lost from our accounts has not been all waste. Much has disappeared through incompetence, but much has disappeared as casualties in the fight. We do not think of soldiers dying in battle for their country as waste, as loss; in the same way, many of the assets that have disappeared have fallen gallantly in battle. They have tried to bring succour to men, women and children in times of distress, and if after the battle they are missing, let us believe that they have done their work and something of that spirit still lives in the province. I should suggest that we put up a monument to the lost assets of co-operative societies —those assets that have disappeared in honest and courageous battle. We might find a place for it now in Dalhousie Square! (Laughter.) On one side we might put the inscription—"In everlasting memory of those assets of co-operative societies that perished in bringing help to men, women and children, fields, cattle and houses in the districts of Bengal." On another we might put the inscription—"Their place knoweth them no more but their fame liveth for evermore." We might even carve a third that "life is more precious than account books."

Let us remember that there is a risk in all co-operative credit whose aim is to bring loans to peasants to produce those assets which are the future security of the loans. If you wish to take no risk, there is no justification for co-operative institutions in this sphere. On this point, I should like to say two words of explanation to friends on my right—one, a member over there, I think, Mr. Sanyal—the one who has not been doctored—said that I used a sentence which, if pressed to its logical conclusion, meant that I justified dishonesty. There must be a misunderstanding either on his part or on my part, or on both. I

never justify dishonesty, not even to myself. Secondly, Mr. Mazumdar, I think, it was, seemed to interpret something I said as a sentence derogatory to the peasants of Bengal, who are nearly all Bengal. God forbid that I or anyone should ever say any word slightingly of a peasantry whose qualities, whose sufferings and whose patience under their sufferings, long ago won, and have ever since held, the respect, the admiration and the sympathy of the whole civilised world.

There is much I should like to say, if I had time, as regards the accusation of corruption that has been so freely brought against this movement and its officials I speak with very little knowledge, gained in one small corner. But, I may mention that I started years ago making a list of those Government departments and those institutions in Bengal against whose integrity I ever heard any accusation. After a few years, I managed to get one name into the list, and that I had to cancel a few months afterwards. The list is empty to-day and has been ever since. (Laughter.)

I have even heard accusations of corruption against those holy and sacred institutions—the Shield Football Matches and it should make us modest to remember that even the integrity of members of this House is sometimes assailed by questions that I do not like to hear, but do hear as I go about my business

One last word I wish to pay my tribute to the Minister for the way in which he has conducted the business for the last fortnight. I wish to make a suggestion at which some will smile and others will shudder; that even a Minister should be counted one of God's creatures, entitled to a little sympathy, a little courtesy and a little appreciation. For a fortnight we have seen him sitting in stately solitude, while his colleagues were upstairs enjoying their files I have wondered how a man begins to clear such a jungle as has been given to him to work on, a jungle in which he can seldom see the sun over his head, a jungle in which his feet must always be slipping into pits and morasses. He has had a hard life for the last fortnight, and a very lonely life too; but he has kept cheerful and friendly despite language and attitude that sometimes fell below the highest level of politeness. He has been helpful under provocation, gentlemanly at all times, eager to help us and be helped, eager to get the best out of us and out of himself. On behalf of this group I am instructed to say that we have looked upon his work for the last fortnight with admiration. I myself am one of the few or one of the many, who have worked hard on this Bill with such small knowledge as I possess. I believe that there are in it faults, faults with which we hope to deal in the near future. But also there is a great deal in it to correct what is unsatisfactory or inadequate in our present working of co-operative societies. (Applause.)

Mr. M. SHAMSUDDIN AHMED: I must at the outset thank my friend Mr. Mullick for the hard labour he has undergone for the last 2½ years. I know he has passed anxious moments for a certain length of time. I had the honour of being in the Select Committee, and I have seen his anxiety for improving the condition of co-operative societies and for restoring the confidence of the people in the societies, but I find at the present movement as the Bill is emerging out of this House and as it might be an Act when it is passed by both the Houses that although he has passed sleepless nights for the amelioration of the condition of the people of this country so far as the credit movement is concerned, the most important thing has not only been overlooked but nothing has been done. I can very well understand that owing to the illiteracy of our people the real principle of co-operation might be difficult to instil into them, but at the same time I find that the courage and experience that the department and the Government have gained during the last 30 years left the Government in the same position from which it began. The main function, so far as the restoration of the confidence of the people towards credit societies is concerned remains where it was and it remains as a loan society as it began. Even to-day the question of limited and unlimited liability remains as it was before. My knowledge of rural India, especially rural Bengal, tells me that this principle of unlimited liability will deter people from coming to the societies, and I have very great doubts whether this co-operative movement will give any relief to the people as a result of the passing of this Bill. I know this movement is being run not only here but in Europe also. We have seen it in other countries, in Germany, Denmark, in Finland, Scotland, England and some other countries, but we have not profited by their experience. Therefore I think that this particular Bill will not take us one step forward in the restoration of the confidence of the people in the credit societies of this province. I feel there must have been some difference in the angle of vision. I found my friend Mr. Mullick really passing anxious nights, and I know the Registrar himself was also very anxious. I do not share with my friend Dr. Sanyal all the heaps of abuses that he hurled on the Registrar, but I find that in this Bill the Registrar has practically been given dictatorial powers. We have in these days learnt something of the sphere of the activities of the Dictators. I am not concerned with the present Registrar. We are to see what the effect of this Bill will be when it emerges out of the two Houses. I find that powers have been given to the Registrar by this Bill which should not have been given to him. I do not know whether my friends of the Coalition Party have given their anxious consideration to that section of the Bill whereby the Registrar has been given supreme powers. Mr. Arshad Ali might at the present moment feel that he would try to do his level best to improve the lot of the people, but another Arshad

Ali might come, another gentleman might come who might not at all care to see what the lot of the people might be. So we are to see what the effect of the law as it now stands will be. I believe that the powers which have been given to the Registrar are not only arbitrary but absolutely unnecessary. As we were just now discussing in this House, really we have done a great injustice to other co-operators who are not Government servants, because by this clause 126 we have made immune from any sort of liability whether criminal or civil the Registrar or other subordinates, but no other persons connected with the co-operative movement. Therefore I believe we have certainly created a sort of bug-bear in the minds of others who are connected with the co-operative movement. We will also by this legislation, by the operation of section 126, prevent other people from associating themselves with the co-operative movement. I believe that the present debts of the people to the rural co-operative societies are, as Mr. Wordsworth has just now characterised it, as "jungle." I think it is more than a jungle. I sympathise with my friend Mr. Mullick because really it is a very hard task; it is a herculean task and there is only one way out. If we can write off all the interests that people have got to pay and so far as principal is concerned, if we spread it over 20 years, then only the confidence of the people might be restored, and you can realize these debts—I call them debts—but simply this institution of the clause of certificate procedure will not relieve the tension; it will not cure the position. This certificate procedure will only aggravate the situation, and people will fight shy of this movement. They will feel that whereas heretofore the Co-operative Department had gone to the law courts for realisation of their loan, but now they will find that arbitrarily this department will seize the articles and utensils of the people and thereby realise the debts from the people; and add to this the unlimited liability debt, and see what happens. Therefore I believe we have not gone one step forward in the solution of the problem whether of rural credit or of advancement of co-operation, so far as the people are concerned. Sir, I will not take much time of the House. I fully sympathise with my friend, the Hon'ble Mr. Mullick, but I feel that certainly there has somewhere been some difference in the angle of vision and he must have looked at the problem from a quite different point of view. I feel, Sir, that he will not be able to clear the jungle even by one or two inches. I think that he will be in the same jungle where he was. The jungle will be more thick and the sky above will be clouded out from him and the trees that will grow in the jungle will absolutely cover him like anything, and he will be suffering not only in the jungle but will be lost in the shade and darkness of the trees. Sir, I sympathise with him, but I feel this Bill will not redound to the credit of us as legislators; neither will it redound to the credit to the Hon'ble Minister also. Sir, I do not know whether the Hon'ble Mr. Mullick has up

his sleeves any more amendments to be brought up hereafter, but the Bill as it stands will not help in any way the solution of the problem as a whole. (Loud cheers.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, if I have not taken part in the debates during the last fortnight it is because I felt that I could not add to the store of knowledge of, or to the logic or force of the arguments which have been advanced by my honourable friends, Mr. Satyapriya Banerjee and Dr. Nalinaksha Sanyal, in this House. I felt that our party was safe in the hands of the members to whom the duty of explaining the point of view of our party and of moving the amendments approved by my party had been committed. But now that the debate is coming to a close, and after listening to the congratulations that have been showered on the Hon'ble Minister in charge, I thought within myself whether I could be persuaded for a moment to join in that chorus. But I regret it is not possible for me to do so, having regard to the fact that all that has been attempted by the Hon'ble Minister in charge of the Bill is to put back the hand of the clock.

Sir, a consideration of the history of co-operative credit societies takes me back to the year 1904 when the first co-operative legislation was enacted in our country—I am referring, Sir, to the Co-operative Credit Societies Act (Act X) of 1904. This special legislation, as most of us are undoubtedly aware, was undertaken by the Government of India following the Report of the Indian Famine Commission of 1901. The Government of India of the day made it clear when the Bill was before the Indian Legislature that it was designed merely to assist agricultural credit and to foster agricultural credit societies as distinguished from agricultural banks. Sir, what was said by the Government of India of the day will bear repetition, and I shall, therefore, remind the House of their words. They made it clear that the object of the societies contemplated by the Act was "far more special and limited, that they would be small and simple credit societies for small and simple folk with simple needs requiring small sums only, and that their most useful form of business would be small loans for short periods with prompt recoveries." Sir, even more important was the warning which they gave to the Provincial Governments, and the warning was in these terms—"that the regulative interference of Government should be strictly limited to the essentials so as to leave spontaneous growth unhampered." The clauses of this Bill which the House has considered show that that warning which was uttered in the year 1904 has fallen on deaf ears. That warning has been completely disregarded and the clauses of the Bill have been framed in order to stifle spontaneous growth and to make the "regulative interference of Government"

more and more rigid. Sir, to illustrate what I say, if I were to remind the House of the extraordinary powers given to the Registrar, possibly members who have not counted the numerous clauses conferring those powers will be shocked to hear that about 60 clauses have been framed and are going to be enacted into law giving extraordinary powers to the Registrar. In addition, what is called "delegated legislation" but what really ought to be described as "lawless legislation," or,—if I may use the elegant words of the present Lord Chief Justice of England,—what has been described by him as the "new despotism" has been enacted with a vengeance in this Bill. I find, Sir, wide rule-making powers given to Government covering as many as about 90 clauses. But that is not all. We find also that whereas several clauses of the Bill penalise the non-official workers, on the other hand other clauses give complete indemnity to the Registrar and the persons acting under his authority. Again, Sir, if I may remind the House, one of the most important questions in connection with co-operative legislation has not been attempted to be tackled. The experience of co-operative legislation in other countries, both of the East and of the West, has been completely disregarded. That experience leads us—and, I should have thought, would have led any person dealing with co-operative legislation in a fair and right minded spirit—to the irresistible conclusion that the time was ripe, the time was more than ripe to recognise the futility of "unlimited liability" societies. The time was ripe to disregard what had been said between the years 1904 and 1911 and to move with the modern world in the matter of co-operative legislation. The experience of Holland, the experience of Japan, the experience of Denmark, the experience of Finland, the experience of France and other progressive countries has been entirely disregarded and where relaxation was called for rigidity has been enforced. Then again, Sir, coming to another important provision of the Bill, namely, the provision regarding audit, whereas to-day one should have thought that, when the case of separation of audit from administration was unanswerable, the old system, the wrong system, the exploded system, of mixing up audit with administration still finds a place in this Bill.

Sir, coming to another point, namely, the proposal which I find in the minute of dissent of my honourable friend Mr. Satyapriya Banerjee about the formation of a Council of Supervision or the alternative proposal for the formation of an Advisory Committee, both of them have been disregarded and neither of them finds a place in the Bill as it has taken shape to-day.

Then, Sir, as regards the steps for ensuring the proper selection of the Registrar, all that has been said from this side of the House has fallen on deaf ears. The whole attempt, if I may summarise it in one word, is an attempt at officialisation, though in 1904 a clear warning was given by the bureaucratic Government of India of the day to the

provincial Governments that the regulative interference of the Government should be strictly limited to essentials so as to leave spontaneous growth unhampered. Sir, I should have thought that instead of trying to make the movement an official or an official-ridden one, the Government which calls itself a popular Government should have taken steps, the proper steps, the necessary steps to encourage the spontaneous growth of co-operative societies so that the slackness which we have seen in their administration might be things of the past, and the people and their representatives might be induced to take a more active, a more healthy, a more efficient part in the administration of co-operative societies, and might contribute to the well-being of the masses at large. Sir, this officialization is the thing which we on this side of the House condemn most to-day. This officialization might not have been out of date in the year 1904, but it is certainly out of date in the year 1940. I regret, Sir, that the helpful suggestions which have been made in the minute of dissent by a prominent member of my party have been disregarded completely. The result of it is that the wheels of progress have been impeded, and as I said at the start, the hand of the clock has been sought to be put back. When I listened to the debates, and, particularly, to the replies of the Hon'ble Minister in charge of the Bill, I was reminded of an observation which I read years ago in connection with the debate on American taxation and American conciliation. Edmund Burke said on that memorable occasion "invention is exhausted, reason is fatigued, experience has given judgment, but obstinacy is not yet conquered."

Sir, I oppose the motion for the passing of the Bill.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, no member of Government and certainly not even the most sanguine member of the Coalition Party ever expected that a Bill sponsored by this Government would pass without a scratch from the hands of the Opposition, but the general manner in which the Leader of the Opposition has criticized the Bill encourages me to claim that the Bill is really free from serious defects, and has been able to attain perfection as much as is humanly possible. Co-operation, Sir, is not a mere child's play. It is one of those baffling problems which have engaged the attention of philanthropists all over the world, of economists who have been engaged all their life in rendering the lives of poor peasants all over the country more pleasant, more enjoyable than it really is. Those who have got anything to do with the practical working of co-operative societies, know very well how stupendous is the task in which the co-operators are engaged. I am aware, Sir, of the dictums to which the Leader of the Opposition has referred, and to the importance which everywhere and at all times has been attached to the necessity of non-interference as

much as possible on the part of Government with the development of the movement. I admit, Sir, co-operation to be genuine ought to have its roots in the quiet, homely simple and honest lives of the villagers and that co-operation, if it is to succeed at all, ought to be allowed to have a spontaneous growth without interference from anybody. Things, however, in this country, are somewhat different from those countries which have been mentioned by the Leader of the Opposition, and all those formulæ which may be operative and be successful in France, Denmark, Germany and Italy can hardly be applied with success to the conditions prevailing in India. Those of us who supported the movement immediately after the Act was passed in the years 1906 to 1912, when the second Act was passed, know very well the amount of opposition that Government officers had to meet from the so-called leaders of public opinion in their attempts to sow the seeds of co-operation in this province It is no pleasure for the Government to intervene in a public movement, if the co-operative movement can be really taken up by the people because Government have got enough of their own worries, of their own responsibilities, to be induced to take up any additional burden. In those days, when this co-operative movement began in this country, people could not think of having anything to do with a co-operative society unless they were assured that the society would be under Government supervision, that its accounts would be audited and supervised and books should be even written up by Government officers, and that the Co-operative Department as a Government department would look after the growth and expansion of the co-operative movement in Bengal. It is all very well to say that it is better to leave the societies to develop by themselves. Experience has shown that as soon as these self-governing institutions are allowed to have their own way, mismanagement appears; misappropriations, dishonesty and all sorts of evils crop up, which instead of promoting the growth of the movement really hinder its prosperity and progress. Government have always looked at this movement with sympathy and watched its progress from a safe distance. It is only when interference was absolutely necessary that Government have intervened, and in many cases, the complaint has been that the Government have not interfered too much. Sir, I would not discuss that point any further.

Now, Sir, I do realize that it would be an ideal thing if the co-operative movement were allowed to develop by itself, and I do claim that in this Bill an attempt has been made to decentralise powers as much as possible, and although some objectionable features are still there, I am quite sure that if the leaders of the people can take up this movement and the Government are assured that public opinion is really in favour of Government holding its hands from the movement, nothing would give the members of Government greater pleasure than to be allowed to be relieved of this responsibility of looking after this movement,

which is after all a people's movement, and should be entirely in people's hands. What I appeal to the leaders of political thought in the country is the necessity of co-operation in the fullest measure quite apart from our own political views or predilections. Co-operation in the Co-operative Department is a movement essential for the good of the country. In fostering and allowing a movement like this to prosper, no considerations except those for the good of the country should ever find a place; and if I may be permitted to say even a bad Act can be made to serve a useful purpose, provided there is sympathy in those who administer the provisions of the Act and also co-operation from the people who are affected by the operations of the Act itself. I submit, therefore, that what is needed is not so much the provisions of the Act, but a firm desire on the part of everyone to follow up their words with active sympathy. If defects are found, Government will be prepared to remedy those defects as early as possible. Government can have no desire to appropriate power. After all, it is no advantage to Government to be the custodian of a movement which should essentially be in the hands of the leaders of the people. I do not come here to pretend that the Act is an ideal one Possibly it might have been improved upon, but I do claim that we have made a good beginning and, if necessary, there will be amendments if experience shows that some of the provisions of the Act are either unworkable or are working to the detriment of the movement itself.

As regards the various allegations that have been made, my friend the Hon'ble Minister in charge will certainly say a few words. But before I sit down, I take this opportunity of expressing our grateful thanks to the members of the Opposition who have always come forward to bring the point of view which they thought best for the country to the attention of Government and for the dispassionate manner in which they have throughout conducted the discussions in this House. It augurs well for the future of this Act that we have been able to contiue the discussions in an atmosphere free from passion and prejudice, and I sincerely hope that the spirit in which we have worked in this House —the spirit of genuine co-operation—will animate the leaders of political thought in this country in order to make the Act a success and to bring about what we have always at heart desired, namely, the happiness of the people of this country. (Loud cheers.)

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, after the speech just now delivered by our Leader and the Chief Minister, there is very little for me to say just to wind up the debate so far as the Co-operative Societies Bill, which is just sought to be passed through the Legislature, is concerned.

Sir, before I make a few observations with regard to the charges levelled against some of the provisions of the Bill by no less a person than the honourable Leader of the Opposition for whom I have the highest respect and admiration, I feel it my duty to offer my humble and respectful thanks to those of my friends who have said a few kind words about the work that I was able to do in connection with this Bill. I take the kind observations of my old teacher Mr. Wordsworth as an expression of his affection for me personally, and I feel once again that although I was out of his class about 30 years ago, I am still receiving that kindness from where I can expect advice and sympathy.

With regard to the kindly sentiments expressed by two of my honourable friends who were good enough to help me in the Select Committee—I refer to Mr. Syed Abdul Majid and Khan Bahadur A. F. M. Abdur Rahman—I am indeed grateful to them for the sentiments that they have expressed. My friend Mr. Shamsuddin Ahmed, also a colleague of mine in the Select Committee, was good enough to give me his good wishes and also to express kindly sentiments for my services in connection with this Bill.

Sir, although the Leader of the Opposition did not see his way to use that expression, but if one were to read between the lines of the observations that he made there would hardly be any doubt in anybody's mind and none whatever in my own mind that he was also disposed to express kind sentiments, so far as the little services that I was able to render in connection with this Bill are concerned. (Laughter in Congress Benches.) (Rai HARENDRA NATH CHAUDHURI: That you can omit.) Even then he was not free from his misgivings, for when I found that he was taking his lesson—if I may say so with all respect—just as a senior would from his junior—from my friend Mr. Satyapriya Banerjee as to what he would have to say, I felt sure that the honourable Leader of the Opposition would also not be free from those few things from which my friends Mr. Banerjee and Dr. Sanyal have been suffering throughout and he also would have the same feeling.

Now, Sir, it is said that in this Bill the Registrar has been given very wide powers. I would only have expected the Leader of the Opposition to read some of the clauses to satisfy himself as to what these powers were; and where there were really these powers whether or not there were any safeguards against any abuse of those powers. If those powers are there, I submit, Sir, with all respect to this House that they are necessary. Otherwise, it would be impossible for anybody to work. Sir, we have been told in our early life that rights and duties are co-relative terms; so also are power and responsibility. If you want to make an officer responsible for the discharge of his duties, that officer can certainly expect you to give him some power. Without that power

it is impossible for the officer to exercise the responsibility which you demand from him. If these powers are there in the Bill, it only indicates that they are necessary. As a matter of fact, all these have been based upon the experience of these long years which, I think, come to about 36 years now.

Now, Sir, it is said that there has been no provision made—that charge was made from that side of the House—that co-operative societies should be allowed to develop on limited liability basis. The honourable Leader of the Opposition pointed out that it was on that basis that co-operative societies were created in all other countries, and he said that a warning was given by the Government of India in 1904 to the Provincial Governments that there should be as little intervention by Government as possible, so far as this movement is concerned.

So far as that is concerned, Sir, it would appear that if, as I had occasions to point out in the course of discussion of this Bill, village societies were to be developed on these lines, it would prove to be a barrier in the matter of supply of credit in the villages concerned.

If one were to analyse the position, there would not be any doubt in anybody's mind that for the unlimited character of the societies it would have been impossible for members of village societies to get a single pice to save themselves out of difficulty. (Dr. Nalinaksha Sanyal: Question.) No depositor would give a single pice to the movement unless he was assured of the security of his money. Difficulties there have been in the past; nobody denies it. As our Leader the Chief Minister has said, nobody denies that there have been these mistakes, but, as I maintained on various occasions in the course of this debate, we are basing this Bill on the experience we have gained as a result of the mistakes that have been made in the past. Because there were mistakes in the past, that was no reason, Sir as to why we should not be allowed to rectify those mistakes so that we might be able to serve the best interests of the country. As I was going to say, Sir, these difficulties were based not upon this, but upon the fact that there was no provision in the old Acts of 1904 and 1912 to find out a formula of maximum or normal credit of the society's members. Clear provision has been made in clause 39 which says that it will be the duty of the society to find out and settle the maximum or the normal credit of the members. We all want money. So long as we go to a society for credit we must prove that we are worthy of the credit. A provision has been made in this Bill to find out the credit-worthiness of each and every member of the society.

Sir, there is another provision in clause 33 where Government shall guarantee the principal and interest of the debentures of financing

banks. It was mentioned by one of my friends of the Select Committee that if there was anything objectionable in this Bill——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. No reference to the debate in the Select Committee can be made in the House, but the Hon'ble Minister is——

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not going through the proceedings. There is that one provision in this Bill which would take away any other provision that is said to be objectionable in this Bill, and this is that whenever financing banks float debentures, Government shall guarantee the principal and interest of the debentures.

Sir, as has been pointed out by the Hon'ble Chief Minister, the idea of this co-operative movement is to develop non-official organisations, and so sub-clause (*b*) of clause 10 makes it possible for all or any of the powers of the Registrar to be delegated to such societies as would conduct their business well.

Sir, I would not go further into details. These things show unmistakably that this idea has been kept in view by Government so that the non-official organisations might develop from within without any interference from outside. If there is any abuse of the power, there is the right of appeal. So far as the question of penalty is concerned, there is the right of appeal to the District Julge; so far as the question of internal administration is concerned, there is the right of appeal to the next higher authority. So far as the opinion expressed by my friend Mr. Shamsuddin Ahmed is concerned, I visualise that the time is fast approaching when it will be the co-operative movement to which the people in the countryside will have to look for getting credit facilities to help themselves out of temporary difficulties.

Sir, with these words I would just conclude. But before I do so, I feel it my duty again to offer my thanks to the members of this House and particularly to my friend Dr. Sanyal and Mr. Satyapriya Banerjee for all they have said. I have accepted some of the suggestions which appeared reasonable; I have not rejected all their suggestions. I thank them even for all the abuses that they have showered on me, for I have taken them as compliments. I feel, as I have always felt, if my friends opposite say anything which is of a complimentary character, it always makes me apprehensive that I have gone wrong. But when they abuse me, I take it as compliment. Then, Sir, although abuses have been showered by my friends opposite on the head of the

Registrar, I feel it my duty to acknowledge with thanks all the assistance and help that has been rendered to me by him not only in connection with this Bill but also in the discharge of my duties as the Minister in charge of the Department for the last three years or more. It may be, he has made mistakes, but that is no reason why we should not acknowledge his services rendered very ungrudingly. It is also my duty to offer my thanks to another officer of the department, Mr. Rabindra Nath Roy, Deputy Registrar, who is wholly responsible for Chapter XI regarding Land Mortgage Bank, and I am sorry he is not here to-day, but I feel that he also rendered great help in making that chapter a useful and operative one. Sir, I also offer my sincere thanks to the two Joint Secretaries, Mr. Holland and Mr. B. B. Sarker, and to the two Legislative Secretaries, Mr. Benjamin with whom we started the work and Mr. Baker with whom we are working now. They also have not spared themselves in assisting me in connection with this Bill as far as possible. (Loud noise from the Opposition Benches.) Sir, last but not least I am thankful to you for the goodness and kindness that you have shown to me and also for conducting the proceedings of the House so ably in the midst of the turbulent situation that my friends opposite created. Before I conclude I would once again offer my apology to you, Sir, for any defects of my department in connection with this Bill that might have caused inconvenience to you and to your department, but I hope you will fully realise the difficulties in our way. I offer my apology once again to you, Sir.

With these few words, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Mr. Mukunda Behary Mullick that in clause 2(*q*), line 3, for the figure "33" the figure and letter "33A" be substituted, was then put and agreed to.

Mr. SPEAKER: There is only one thing which I would like to say before I put the motion to vote. Election of the Deputy President of the Council will be held to-morrow, and this will take some time. The Council might sit a little late and, therefore, I propose that we might sit at 5 p.m., to-morrow.

Dr. NALINAKSHA SANYAL: It is our misfortune that these things happen on non-official days.

Mr. SPEAKER: Our misfortunes have no bounds.

The motion that the Bengal Co-operative Societies Bill, 1939, as settled in the Assembly be passed, was then put and a division taken with the following result:—

AYES—81.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Mridha, Maulvi.
Alhazuddin Ahmed, Khan Bahadur Maulvi.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kiril Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gurung, Mr. Dambor Singh.
Gyasuddin Ahmed, Choudhury, Alhaj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hawkings, Mr. R. J.
Haywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi M.
Morgan, Mr. George.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr S. A.
Sarkar, Babu Madhusudan.
Seetson, Mr. Robert.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, S.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. S.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—50.

Abdul Jabbar Pulwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Bakerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mr. Homaprova.

Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Moqbul Hossain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mallick, Srijut Ashutosh.
Nasther Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniendra Bhushan.
Sur, Mr. Harendra Kumar.
Wahur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 81 and Noes 50, the motion was agreed to.

Adjournment.

It being 8-32 p.m.—

The House was adjourned till 5 p.m. on Friday, the 2nd August, 1940, in the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 2nd August, 1940, at 5 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Lathi charge on peaceful citizens holding meeting for removal of Holwell Monument.

***101. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that in connection with the movement for the removal of the Holwell Monument a public meeting was held at the Town Hall on the 3rd July, 1940, on the occasion of Sirajuddoulah Day;

(*ii*) that *Satyagraha* movement has been started from that date; and

(*iii*) that there was *lathi* charge by the Police on citizens who were returning after the termination of the said meeting?

(*b*) Will the Hon'ble Minister be pleased to state, from the 3rd July, 1940, up to date—

(*i*) the number of persons arrested in connection with the *Satyagraha* movement; and

(*ii*) the number of them that are—

(1) Hindus, and

(2) Muslims?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) Yes.

(*iii*) No.

(*b*) (*i*) 288 up to 21st July, 1940.

(*ii*) (1) 284 and (2) 4.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*a*)(*iii*), will the Hon'ble Minister please state if it is a fact that on the 4th July reports of a *lathi* charge by the police were published in all the daily newspapers of Calcutta including the *Azad*?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it all depends on what is called a *lathi* charge. The processionists or rather the crowd wanted to go through the prohibited area and the police stopped and dispersed the crowd.

Rai HARENDRA NATH CHAUDHURI: Was it with the baton or the *lathi*?

The Hon'ble Khwaja Sir NAZIMUDDIN: The police brandished their *lathis*, I believe.

Rai HARENDRA NATH CHAUDHURI: They simply brandished their *lathis* and not used them!

Mr. SYED JALALUDDIN HASHEMY: The reply is a categorical "No" to question (*a*)(*iii*) regarding the *lathi* charge; will the Hon'ble Minister now please state whether it is a fact that protest meetings were held in different parts of Calcutta on the 4th and 5th July, 1940, protesting against the *lathi* charge by the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe protest meetings were held.

Mr. JOGESH CHANDRA GUPTA: With regard to answer (*b*)(*ii*), namely, that 284 Hindus and 4 Muslims were arrested in connection with the *satyagraha* movement, will the Hon'ble Minister please tell us how many Muslim *satyagrahis* were beaten away with *lathis* instead of being arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is absolutely incorrect,—this matter of being beaten away with *lathis*; no one was beaten away by *lathis*.

Flood in certain parts of Khulna.

102. **Mr. PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the villages of Durgapur, Sridharpur, Ramnagar, etc., in police-station Ashashuni, Khulna, are being visited by annual flood;

(*ii*) that there has been failure of crops for the last few years;

(*iii*) that a cross-bund has been raised on the Dhaporekhal;

(*iv*) that the Dhaporekhal is the only river through which the water of the above villages can freely pass; and

(*v*) that the raising of such a cross-bund over the Dhaporekhal has made the area water-logged and unfit for cultivation?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action the Government contemplate taking in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) and (*ii*) I am informed that there has been no abnormal flooding except in a small area of Takipur *mauza* and that the failure of crops has been negligible except in that *mauza*.

(*iii*) Yes.

(*iv*) and (*v*) Takipur *mauza* appears to have been affected by the bund. Other villages have drainage outlets.

(*b*) An enquiry will be made.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*), will the Hon'ble Minister please state whether if it transpired after enquiry that there was heavy flood in that particular *mauza* he will provide adequate relief for the sufferers there?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, if as a result of the proposed inquiry it transpires that the flood has prejudicially affected that area, certainly steps will be taken to provide relief.

Water-hyacinth menace in Mohonpur Union of Pabna.

*103. **Mr. MD. BARAT ALI:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(i) whether the people under Mohonpur Union in the district of Pabna have been repeatedly praying for the destruction of water-hyacinth; and

(ii) that year after year water-hyacinth has been causing damage to paddy which is the only crop of the locality?

(b) If the answer to (a) is in the affirmative, what action do the Government propose to take in the matter?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) Yes.

(b) The question of the erection of a twelve-mile long barrier so as to prevent water-hyacinth spreading to the paddy fields of the locality is under consideration.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister please state how long Government will take to finish the consideration of the matter? Will they be able to finish the matter during the flood or after the flood when no barrier will be necessary?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, Government expects to come to a decision very soon.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state for how many years the people of Mohonpur Union had been praying for the remedy of this distress?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I do not know for how many years. But this much I know that paddy in that area is being destroyed by water-hyacinth for a long time and the people are making repeated prayers to Government for redress.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister please state whether he is in a position to give us some definite idea when this barricade for the prevention of water-hyacinth can be expected to be erected—this year or next year?

The Hon'ble Mr. TAMIZUDDIN KHAN: This year, of course, it is out of the question. It may be possible next year.

Flood in Noakhali town.

*104. **Mr. HARENDRA KUMAR SUR:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that very recently the Noakhali town was visited by flood;

(*ii*) that a portion of the road leading from Sonapur to the town was washed away and a breach took place preventing officials residing at Sonapur from attending the courts and offices for a day;

(*iii*) that the erosion of the town by the Noakhali *khal*, extending from Montier Ghona to the railway station, is proceeding;

(*iv*) that several houses in the Taltola ward have already been washed away;

(*v*) that several other houses are in the danger zone; and

(*vi*) that it is apprehended that a large number of residents of the Taltola ward would be rendered homeless within a short time?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the Government have come to a final decision regarding the location of the permanent headquarters of the Noakhali district; and

(*ii*) if so, when is the construction work of the new town likely to commence?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) Yes.

(*ii*) No. In order to replace an old galvanised iron pipe for water-passage by a new one, the District Board closed the road on Sunday, the 7th July, 1940, when the tide in the *khal* rose to a very high level and the opening in the road was widened. The new pipe was set on the same day and the breach was filled up working late hours at night. As it was a Sunday there was no question of officials being prevented from attending courts and offices.

(*iii*) Yes, in some parts.

(*iv*) Due to erosion, some houses had to be removed.

(v) Some more houses may be affected by erosion in the near future.

(vi) If the erosion continues in this way, further damage is apprehended.

(b) The matter is under consideration and a decision is expected to be reached very shortly.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister please state when Government can arrive at a decision—the approximate time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very shortly, Sir.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister please state if he is aware that there is no place for accommodation in the present town of the residents whose houses have been washed away or are being threatened by the erosion of the *khal*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, Government are aware that there is no room for expansion of the town.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister please state if there is a proposal before the Government for cutting a *khal* from Montier Ghona which is calculated to divert the canal and stop the erosion of the town by the Nookhali *khal*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have received a memorial recently from certain inhabitants of the town to that effect.

Mr. HARENDRA KUMAR SUR: Is the Hon'ble Minister aware of the fact that every year during the rains floods visit the town constantly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I am aware.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister please state if he will consider the desirability of taking immediate action on that memorial?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, action has already been taken on the memorial.

Utilisation of education grant for non-Government secondary schools for girls.

*105. **Khan Bahadur Maulvi FAZLUL QADIR:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) the amount placed at the disposal of the Inspectress of Schools, Eastern Circle (Dacca) and Western Circle, respectively, out of the additional grant of Rs.1,00,000 sanctioned for the non-Government secondary schools for girls, 1939-40;

(ii) the present number of non-Government Muslim girls'—

(1) high English, and

(2) middle English schools,

in the Province;

(iii) the number of them that exist in Dacca Circle;

(iv) the amount spent for the high English and middle English schools meant for—

(1) Muslim girls' school only, and

(2) other girls' schools; and

(v) the amount that has been spent under the following heads, namely,—

(1) additional recurring grant,

(2) capital grant,

(3) furniture grant, and

(4) stipends for girls,

for—

(A) Muslim girls' schools, and

(B) other girls' schools?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): A statement furnishing the required particulars is placed on the table.

Statement referred to in the reply to starred question No. 105.

The amount placed at the disposal of the Inspectress of Schools, Eastern Circle (Dacca) and Western Circle, respectively, out of the additional grant of Rs.1,00,000 sanctioned for the non-Government secondary schools for girls, 1939-40.	The present number of non-Government Muslim girls — (1) high English, and (2) middle English schools, in the Province.	The number of them that exist in Dacca Circle.	The amount spent for the high English and middle English schools meant for— (1) Muslim girls' schools only, and (2) other girls' schools.	The amount that has been spent under the following heads, namely:— (1) additional recurring grant, (2) capital grant, (3) furniture grant, and (4) stipends for girls for— (A) Muslim girls' schools, and (B) other girls' schools?
59(a)(i)	(ii)	(iii)	(iv)	(v)
Rs. Inspectress of Schools, Presidency and Burdwan Division .. 55,000 Inspectress of Schools, Dacca Circle .. 45,000	(1) High English 1 (2) Middle English .. 14 A complete list of these schools is placed on the table	High English .. 1 Middle English .. 3	The amounts spent for high English and middle English schools on account of grants-in-aid are :— Rs. (1) Schools reserved for Muslim girls .. 27,852 (2) Other girls' schools .. 3,80,000	The amounts spent under the different heads during 1939-40 are:—

	For schools reserved for Muslim girls.	For other girls' schools.
	Rs.	Rs.
(1) Additional recurring grant ..	3,600	96,400
(2) Capital grant ..	Nil	94,676
(3) Furniture grant	1,700	4,000
(4) Stipends for girls	4,103	2,308

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister please refer to column IV of the statement and state how many schools are included under sub-head (*i*) and how many under sub-head (*ii*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are 15 Muslim girls' schools and the number of non-Muslim girls' schools in the Presidency and Burdwan Divisions is 68 and in the Dacca Circle there are 42.

Rai HARENDRA NATH CHAUDHURI: And in the other two Divisions—Rajshahi and Chittagong?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are two Circles only under the Inspectresses of Schools for Presidency and Burdwan Divisions.

Mr. NIKUNJA BEHARY MAITI: In view of the larger number of girls' schools under head (*ii*) other girls' schools, does not the Hon'ble Minister consider the desirability of spending a larger amount for other girls' schools under "Stipends for girls"? In column 5 it is shown that a sum of Rs. 4,103 has been spent as stipends for Muslim girls, whereas for other girls' schools only Rs. 2,308 has been spent. Does not the Hon'ble Minister consider that it would be better if a larger amount is spent on "Other girls' schools"?

Mr. SPEAKER: That is a question of opinion.

Mr. NIKUNJA BEHARY MAITI: Is not the Hon'ble Minister in a position to increase the amount now spent as stipends for "Other girls' schools"?

The Hon'ble Mr. A. K. FAZLUL HUQ: As a matter of fact the amount spent on Muslim girls' schools is far below.

Dr. NALINAKSHA SANYAL: The question is about stipends.

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as stipends are concerned, this figure does not take into account the stipends given from special sources, as for instance stipends for scheduled castes, backward classes and others. For other girls' schools, the figure of Rs. 2,308 would be much bigger if the other figures are taken into account. If accurate figures in detail are wanted, I promise to give them as early as possible.

Dr. NALINAKSHA SANYAL: Are these figures given here not correct?

The Hon'ble Mr. A. K. FAZLUL HUQ: They are correct. I have got before me other figures. I have sent for the file, and I find there are other figures which have not been printed.

Dr. NALINAKSHA SANYAL: Sir, I would draw your attention to column 2 where it is stated that a complete list of these schools is placed on the table.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have got it with me, Sir.

Dr. NALINAKSHA SANYAL: It is not on the library table. When it is said it is placed on the table, it must be printed.

The Hon'ble Mr. A. K. FAZLUL HUQ: Possibly through some oversight it has not been printed. I have got a complete list and if I get time I shall be able to supply all the information.

Dr. NALINAKSHA SANYAL: If you hold back this question for further information, then he would be able to supply it.

The Hon'ble Mr. A. K. FAZLUL HUQ: If that is done, I shall be able to give all the information.

Mr. SPEAKER: Yes.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Search of Mrs. Hemaprova Majumdar's house by police.

Mrs. HEMAPROVA MAJUMDAR: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that the residence of Mrs. Hemaprova Majumdar, M.L.A., was searched on the morning of the 16th July, 1940;

(*ii*) that the Intelligence Branch Officer who conducted the search, declined to give out his name; and

(*iii*) that the Intelligence Branch Officer reluctantly said "Intelligence Branch Officers are instructed not to give their names" and the party had no right to ask his name?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Intelligence Branch Officers have been instructed not to give out their names during a search?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state what means, if any, are available to the owner of the house searched to discriminate the police officers from tresspassers, thieves, dacoits or other designing persons?

(d) Will the Hon'ble Minister be pleased to state the name of the Intelligence Branch Officer who was deputed to search premises No. 33, Russa Road, on the morning of the 16th July, 1940?

(e) Will the Hon'ble Minister be pleased to state what action he proposes to take against the said officer who showed temper and refused to give out his identity?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i), (ii) and (b) Yes.

(ii) He said so, but not reluctantly.

(c) As uniformed police officers are always present with un-uniformed officers there can be no confusion.

(d) It is not in the public interest to do so.

(e) The officer was carrying out instructions in refusing to give his name. No action is considered necessary.

Mr. ATUL CHANDRA SEN: With reference to answer (c), will the Hon'ble Minister be pleased to state if any undesirable person accompanied the Police Officers in uniforms to do the search, what remedy has the owner of the house against that contingency?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the Intelligence Branch Officers have got no uniforms?

The Hon'ble Khwaja Sir NAZIMUDDIN: I don't think that it is a fact that they have got no uniforms.

Mr. SYED JALALUDDIN HASHEMY: With reference to his answer, will the Hon'ble Minister be pleased to state why they do not use their uniforms while they conduct a search like this?

Mr. SPEAKER: That is quite patent.

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all, I would like to draw the attention of the honourable member to answer (c). Uniformed Police Officers are always present with ununiformed officers whenever a search is conducted; secondly, I would ask the member to recollect that a very large number of these Special Branch officers have been killed and injured, and therefore special protection has got to be given to them.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*), may I enquire how many ununiformed persons were there in the course of this particular search?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether it is also in the public interests not to disclose the names and identity of ununiformed persons, who are taken as witnesses to search?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to consider the desirability of introducing a system of issuing some tokens at the time of search?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, the uniformed Police Officers are always there and if anybody has got a complaint to make, all that he need do is to take down the numbers of those uniformed officers and through them we can always trace the officer who has gone there and effective enquiry can be made and action taken if there is any irregularity.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the course of this search any uniformed Police Officer was present?

The Hon'ble Khwaja Sir NAZIMUDDIN: I understand that they were present, because it is the practice always to be present. I have not made any definite enquiries about this fact, but I believe that it is always the practice.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to make an enquiry whether uniformed Police Officers were present?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*d*), will the Hon'ble Minister be pleased to enlighten us if the Police Officers do not go in uniform or do not use any token whatsoever, and if in the course of a search they misappropriate any property of the house, what recourse have the people got to find out that particular officer?

Mr. SPEAKER: For the time being there is no remedy for this question. It is purely hypothetical.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is the practice of such officers to state their designations, if not their names, or the office they hold if any enquiry is made?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the answers of the question, it appears that the officer did state that he belonged to the Special Branch of the Calcutta Police.

Dr. NALINAKSHA SANYAL: It is not a question of belonging to the Special Branch, but the question is whether he is an Inspector, or Sub-Inspector, or Constable or anything like that.

The Hon'ble Khwaja Sir NAZIMUDDIN: Speaking off-hand, I see no reason why that information should not be given, but I would like to look into this question and if there is no serious objection, instructions will be issued to the effect that if questioned they must give their designation.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if the Intelligence Branch Officer was not accompanied by a uniformed Police Officer or did not give out his designation, whether he will be in a position to answer part (*c*) of the question differently?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. I personally hold that it will be an illegal action and very serious steps will be taken against the officer if such a thing is done.

I personally hold that if ununiformed Intelligence Officers want to act without uniformed Police Officer or any written authority, naturally he will be absolutely out of order.

Rai HARENDRA NATH CHAUDHURI: In that case will you be prepared to take action?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Effect of Prohibition in Noakhali.

57. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to

lay on the table a statement showing, in the distr [illegible] Noakhali, immediately before the prohibition was introduced there—

(*i*) the number of country liquor shops; and

(*ii*) the number of *ganja* shops?

(*b*) Will the Hon'ble Minister be pleased to state whether *ganja* shops have been abolished with the introduction of prohibition in Noakhali?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) the number of *ganja* shops existing at present in the district; and

(*ii*) the reasons for not abolishing the *ganja* shops there?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*)(*i*) 4.

(*ii*) 15.

(*b*) No.

(*c*) (*i*) 15.

(*ii*) There was no local demand for the abolition of these shops.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether the liquor shops were abolished on account of the local demand, or according to the Government policy?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Government policy.

Mr. SIBNATH BANERJEE: On a matter of privilege, Sir. We have been putting supplementary questions to the previous question, and all of a sudden without giving us any chance you have passed on to the next question. It is a very important question, Sir. Secretary did not even call out No. 57.

Mr. SPEAKER: Secretary did call out the next question, No. 57.

Mr. DHIRENDRA NATH DATTA: In view of the Government policy, will the Hon'ble Minister consider the desirability of abolishing *ganja* shops there?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state if it is a fact that the policy of prohibition depends upon the local demand?

The Hon'ble Khwaja Sir NAZIMUDDIN: Demand for what—demand for drinks? (Laughter.)

The Hon'ble Mr. PRASANNA DEB RAIKUT: My honourable friend may remember that we introduced partial prohibition on an experimental basis in Noakhali.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether he considers it consistent with the Government policy of partial prohibition that not a single *ganja* shop should be abolished?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The honourable member may have noticed in the papers that in view of the recent judgment of the Bombay High Court it is difficult to introduce total prohibition

Rai HARENDRA NATH CHAUDHURI: Is it difficult in view of the judgment of the Bombay High Court even to abolish one shop out there in Noakhali?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Will the honourable member please repeat his question?

Mr. SPEAKER: The Hon'ble Minister has said that there cannot be total prohibition, but since prohibition is the ultimate aim of Government why was no effort made by Government in this direction by abolishing even one shop? That is what the honourable member wants to know.

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot give him the correct reason. As far as I can understand, probably it was not possible due to smuggling or other reasons to abolish these shops.

Mr. JOGESH CHANDRA GUPTA: Is Government finding difficulty in the matter, because the present Government have a liking for *ganja* in place of country liquor?

Mr. SPEAKER: I am sure you realise that that question does not arise. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Again with reference to answer (*o*)(*ii*), will the Hon'ble Minister be pleased to explain the term "local demand"? Are we to understand that the local demand from the *ganja*-smoking public——

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state if there was any "shop-doubling" during this period?

Mr. SPEAKER: It seems both of you understand each other! (Laughter.)

NON-OFFICIAL RESOLUTION.

Mr. PULIN BEHARY MULLICK: Sir, may I have your leave to speak for only five minutes?

Mr. SPEAKER: I understood that the Hon'ble the Chief Minister would conclude the debate on resolution No. 2 now?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Why should it be so? The point is that when the question is put, then the question of division does not come in. As you might very well remember, Sir, when a question is put you generally say that the question will be put after the Hon'ble Minister has spoken and the debate continues. In this case, when the debate was continuing, closure motion was put and the House decided that the debate should be continued. There was no question that only the Chief Minister would be allowed to speak.

Mr. SPEAKER: But was not the division on the question of withdrawal of the resolution? That was after the closure motion. In the meantime you moved your motion when there was objection that the Chief Minister did not speak.

Mr. FAZLUR RAHMAN (Dacca): If I may remind you, Sir, Mr. Badrudduja was on his legs when the House adjourned. It follows that the discussion was intended to be continued.

Dr. NALINAKSHA SANYAL: May I submit in this connection, Sir, on this point that it is entirely within your power to decide whether there was sufficient debate or not? You had on that occasion exercised your discretion and allowed the matter to be decided by the vote of the House, but you could have even without the vote of the House decided at that moment.

The Hon'ble Khwaja Sir NAZIMUDDIN: Under what rule?

Mr. SPEAKER: That matter does not require any rule. The Speaker has inherent power to close a debate in order that the debate might not be continued for days together with a view to "defeating" other resolutions.

The Hon'ble Khwaja Sir NAZIMUDDIN: On the other hand, Sir, if the debate is of such an important character where an expression of opinion is being asked from this House as to the future constitution of India——

Mr. SPEAKER: Order, order. I hope, Sir Nazimuddin, you will not argue with me. (Laughter.)

I shall consult the proceedings to see what actually happened. (After consulting the proceedings.) I am sorry; I think Sir Nazimuddin is right. The withdrawal motion was finished and thereafter the closure motion was put.

Yes, Mr. Pulin Behary Mullick.

Mr. PULIN BEHARY MULLICK: Mr Speaker, Sir, the main proposition of Mr. Maqbul Husain is that the future constitution of India should be framed by a Constituent Assembly. But, Sir, how is this Constituent Assembly to be formed? He answers by saying that it should be formed on the basis of adult franchise It appears so innocent at first sight that according to him it should be adopted without any question. But, Sir, is it really so innocent as it appears? I submit, Sir, that it is not so. In order to fully realize its implication, it is necessary to take into account the population of India and the numerical strength of the various important communities. Roughly speaking, the population of India is 350 millions, of whom 80 millions are Muslims and 60 millions Scheduled Castes. The Caste Hindus are in an overwhelming majority. This proportion will naturally be reflected in the Constituent Assembly formed on the basis of adult franchise. Therefore, the position is this—that even by a combination amongst themselves the Muslims, the Scheduled Castes, and the other minority communities will yet fall far short of the numerical strength of the majority community, namely, the caste Hindus.

Therefore, the minority communities will be at the mercy of the majority community. But, Sir, Mr. Maqbul Husain provides a safeguard for the protection of the rights and interests of the Muslims. In this connection, he ought to have taken into account the other unfortunate minority communities, namely, the Scheduled Castes, the Anglo-Indians and the Indian Christians. But he has omitted to mention these minority communities. He says, Sir, that the Muslims

alone in such a Constituent Assembly will decide their own course of action and that the representatives of the other communities will have no voice in their decision. But, Sir, is it really an effective safeguard? I submit, it is not. The reason is simple. At the time of election, the majority community by the strength of their number will cause to be returned representatives from the minority communities who will be completely under the thumb of the majority community, and they will be made to act according to their bidding and even against their own interests. Freedom of conscience and freedom of action will be conspicuous by their absence. (Mr. ABU HOSSAIN SARKAR: Have a Scheduled Castes *sthan* just like Pakisthan!) This is beside the point at issue.

Therefore, these so-called representatives cannot by any stretch of imagination be called the representatives of the people whom they will be made to represent in such a Constituent Assembly.

Sir, I submit that Mr. Husain has not gone deep into the matter. He has simply been lured by its rosy colour. His conception of Constituent Assembly lacks in comprehensiveness and lamentably overlooks the real danger to the minority communities. Therefore, the resolution, as it stands, cannot be accepted by the House. I, therefore, oppose the resolution.

Mr. ABDUL KARIM: Mr. Speaker, Sir, it is a matter of some surprise that a resolution like this should have been brought before this House when the leader of the Krishak Praja Party himself made it clear in his speech that it was not properly drafted. The issues with which the resolution seeks to deal have so far baffled solution at the hands of even the foremost leaders of the country and certainly that solution is not lurking in the Krishak Praja back benches of this House. I would not have taken the time of the House by speaking on such a resolution had it not been for the fact that on the last occasion when this was under debate Dr. Syamaprasad Mookerjee indulged in such a vigorous wallowing in the communal mire that a reply from this side of the House is necessary

Sir, the All-India Muslim League, the only authoritative body entitled to speak for the Muslims of India, has determinedly opposed the method of a Constituent Assembly for the framing of India's future constitution. The reasons which have led the Muslim League to do so have been repeatedly explained by responsible leaders of our national organization. Dr. Syamaprasad Mookerjee's speech on this resolution is the greatest justification for the attitude of the Muslim League. Almost every sentence in that speech drove a nail into the coffin of the Constituent Assembly proposal. If any proof were still needed to show that the Hindus and the Muslims were not one nation but two very

different peoples, then Dr. Syamaprasad Mookerjee's speech furnished that proof. I hope, Sir, the House will bear with me if I refer to that speech in some detail in support of my contention.

Sir, Dr. Mookerjee told the House that he was unable to appreciate the statement of Mr. Badrudduja that the unsympathetic tyranny of the Hindu majorities against Muslim minorities had been a matter of deep concern to the Muslims of India. The very next moment, however, Dr. Mookerjee went on to declare that the Hindus had become positively intolerant of the unsympathetic tyranny of the Muslim majority in this province. I ask the House to pause for one moment and understand the implication of these statements and the attitude which underlies them. Has not Dr. Mookerjee made it perfectly clear, Sir, that when the Muslims are oppressed he even fails to understand why they should protest but he himself becomes loud in his protest against what he calls tyranny against the Hindus of Bengal? Sir, Dr Syamaprasad Mookerjee declared that during the last three years the Bengal Hindus had passed through "tremendous sufferings." And what were these sufferings? Let me, Sir, catalogue those tremendous sufferings of the poor Hindus of Bengal for the benefit of Dr. Mookerjee and of the House.

Suffering No. 1 is the imposition of a part of the primary education cess on the Hindu zamindars of Bengal—a matter of a few pies in the rupee—and the consequent advancement of literacy and education among the predominantly Muslim masses. This is Dr. Mookerjee's idea of tyranny on the Bengal Hindus.

The second suffering is the working of the Debt Settlement Boards which has relieved the predominantly Muslim masses of unduly heavy and exorbitant amount of interest charged at high rates by usurers. But in spite of this the very fact that some Hindu money-lenders have been deprived of their full pound of flesh looms tragically in the eyes of Dr. Mookerjee and his friends and this constitutes another tremendous suffering inflicted upon the helpless Hindus of Bengal.

For a similar reason, Sir, the Money-lenders Act, which has just become law, constitutes another act of tyranny and oppression by the Muslim majority in the eyes of Dr. Mookerjee and his friends.

Sir, the fourth act of mortal oppression committed on the Hindus of Bengal is the amendment of the Calcutta Municipal Act. The Act maintains the Hindu majority in the Corporation quite intact and although it gives two or three seats more to the Muslims, it leaves them hopelessly outnumbered by the Hindus. In spite of this, it is considered to be an act of oppression. Dr. Mookerjee, having failed to rally all the Hindus in the Corporation of Calcutta with his cry of Hinduism in danger and having in consequence failed to capture power, mounts public platforms and comes to this House to

give utterance to his anguished despair and to hurl invectives at the Muslim community. (Cries of "hear," "hear" from the Coalition Party.)

The fifth suffering, Sir, is the distribution of public services between Hindus and Muslims on the basis of 50 : 50. Dr. Mookerjee conveniently forgets that even to-day almost in every branch of the public service the Hindus preponderate and this preponderance will continue in all likelihood for the rest of Dr. Mookerjee's natural life. Even after that the operation of the Government decision will only bring the Muslims up to 50 per cent. and leave the Hindus the other 50 per cent. although their population is less. In spite of this fact, Dr. Mookerjee raises the spectre of tyranny and oppression and sends out frenzied alarums throughout the province which virtually amount to an incitement to a civil war. It is said, Sir, that in deciding to appoint non-Bengali Muslims to Muslim vacancies when suitable Bengali Muslims are not available for certain kinds of posts, another act of tyranny has been committed on Dr. Mookerjee's co-religionists. The logic of this allegation can only be understood by the gentlemen of the Hindu Mahasabha and the Congress. Sir, after all, if non-Bengali Muslims are appointed they will be appointed to fill up only the share reserved for Muslims and not a fraction will be taken from the share fixed for the Hindus. How this can be constituted into an act of tyranny is a matter which only a crooked communal mind can appreciate.

Sir, these are the "terrible oppressions" of which Dr. Mookerjee complains. These are the "tyrannies" of which he has become intolerant. These are the sins of the Muslim majority in Bengal for which he wants dire chastisement to be meted out to them. Now, Sir, let us turn to the other side of the picture—the picture of organised attacks by armed Hindu majorities on helpless Muslim minorities in other provinces; the picture of arson, loot and murder; the picture of the black-hole of Chandur Biswa in the Central Provinces, the picture of the arrest of every adult Muslim male person in a village because a Hindu lost his life in a riot, the picture of evidence fabricated in order that six innocent Muslims might be hanged and over 20 others, equally innocent, transported for life. That, Sir, is the other picture. That, Sir, is the kind of oppression against which the Muslim minorities cried out and which has filled the whole of Muslim India with the unshakable determination never again to submit to the chartered tyranny of Hindu rule. But, Sir, Dr. Mookerjee cannot appreciate this. When Muslims cry out against their blood being shed, their houses burnt, their property looted, their mosques demolished, their graveyards defiled, and their innocent co-religionists perjured to the gallows, Dr. Mookerjee cannot understand the language which they speak, even though a High Court judgment may support their complaint.

That, Sir, is the position. If Dr. Mookerjee really represents the Hindus, as he claims to do, then the only conclusion which the Muslims can draw is that the sufferings of Muslims have no meaning for the Hindus and even their protest is intolerable to them. But the slightest encroachment on Hindu vested interests is a matter which sends them into the extremes of fury. From this it automatically follows that the Hindus and Muslims are not one people and cannot be one people because the grief of the latter is incapable of touching the hearts of the former and perhaps even produces a feeling of gratification.

Sir, nothing more need be said to show that the resolution before the House is one which no true Muslim can accept. No further argument is necessary to prove that in a Constituent Assembly, in spite of any formal safeguards that may be provided for the minority communities, the voice of the preponderating Hindu majority must prevail, —and as such it cannot be acceptable to the minorities. The only solution of the Indian constitutional problem, therefore, is the acceptance by all parties of the zonal scheme of the All-India Muslim League.

Mr. SPEAKER: I am sorry you cannot say that.

Mr. ABDUL KARIM: I want to say that the League has only recognised the fact which others have refused to do.

Mr. SPEAKER: May I point out that you are speaking on Constituent Assembly. You must speak relevant things. You are a lawyer; can't you make it relevant?

Rai HARENDRA NATH CHAUDHURI: He is indulging only in the indictment of Dr. Mookerjee.

Mr. ABDUL KARIM: I want to say that the League has not accepted the Constituent Assembly.

Mr. SPEAKER: You have nothing to do either with the League or with the Congress.

Mr. ABDUL KARIM: All right, Sir. We the Muslims cannot accept Constituent Assembly on the ground that we have recognised the facts which others have refused to do, namely, that in the religious, cultural, social, traditional, historical, political and even in the economic sphere the vital interests of the Hindus and the Muslims are wide apart. Sir, I emphasise the term "economic sphere" because the very fact that the Hindus oppose such economic and beneficent legislation as the Agricultural Debtors Act, the Money-lenders Act, the Bengal Tenancy Act, etc., shows that they consider that although

these measures confer economic benefits on the Muslims they have an adverse economic effect on the Hindus. Dr. Shyama Prosad Mookerjee has proved by his own speech that even in the sphere of temperament and emotions Hindus and Muslims are different. Therefore, Sir, the two different people must have two different homelands and our scheme wants no more than a national home for the Muslims of India. In the circumstances the resolution before the House stands condemned and I have no doubt that the House will reject without hesitation this attempt from the Krishak Praja benches to revive an issue on which this very House has already given its considered verdict once before.

Babu KSHETRA NATH SINGHA: Mr. Speaker, Sir, I have heard with rapt attention the discussion about the Constituent Assembly. I rise to oppose the motion of my friend Mr. Maqbul Hussain on the ground quite different from those of others. The Constituent Assembly with reservation of seats for Muslims or any other communities is a quite inconsistent term. The two things cannot tally together, because it would be like a Bengali proverb "*Pathorer Sonar Bati*". It may be possible in a Pakisthan or some other *sthan* but in the Constituent Assembly it is not possible at all. We have no objection to live in Pakisthan, because we, the Scheduled Castes people, have lived so long in Hindusthan and we have suffered long. We would now like to see how this Pakisthan scheme works and what will be the future prospect of the millions and millions of degraded people and whether the Pakisthan can raise us to the heaven of some *sthan*. We have lived so long in the Naraksthan, as opposed to Pakisthan, and we have been grovelling in darkness for hundred and hundred years, and we have not seen yet the light of day. Many things have been done in the past years, but we want to see what can be done in future years. The Muslims are now claiming that they want to improve our condition. Formerly we were used to hear that the Caste Hindus were very much sympathetic and magnanimous to improve the condition of the degraded millions. Now we want to see how this Pakisthan scheme of our Muslim brethren works for the amelioration of the condition of these ignorant people. That is our position. We are ever and ever to be doomed and no constitution based on anything has any prospect for these downtrodden millions. Mr. Jinnah has repeatedly told us that in his mind the cause of the Scheduled Castes is uppermost, and Mr. Fazlul Huq, our Chief Minister, has also declared that the interests of the Scheduled Castes are in his mind. The other day, Sir Nazimuddin has said that the interests of the Scheduled Castes will never be ignored. But if instances are seen and practical politics are considered, we see that there is no hope in future for the amelioration of the condition of this community. We want that something new must be done whether it be in the Pakisthan or in the Constituent Assembly or anywhere else.

I oppose the resolution of Mr. Maqbul Husain on the ground that his Constituent Assembly is quite a unique one. Islamic culture did not say that reservation for the Muslims should only be granted, and how is it that Mr. Jinnah and Mr. Fazlul Huq have got in their minds the interests of these degraded millions, when there is no mention of the Scheduled Castes in the resolution along with the Muslims? We know that everybody is very much careful of his own interest. Everyone tries to save his own face mentioning the name of the Scheduled Castes. We have so long been the *gojamil* of every community——

Mr. SPEAKER: Don't try to *gojamil* in this resolution (laughter).

Babu KSHETRA NATH SINGHA: Islam always preaches universal brotherhood, liberty of man, liberty of religion and liberty of everything, but we do not see here any mention in the resolution of my friend Mr. Maqbul Husain that the cause of the Scheduled Castes will also be considered along with the Muslims. Under these circumstances the resolution being an one-sided one and being quite against the precepts of Islam, I oppose it.

Dr. NALINAKSHA SANYAL: I move that the question be now put.

The question that question be now put was then put and a division called.

Mr. Khwaja SHAHABUDDIN: Sir, may I explain the position? We thought that the resolution was being put to vote and that is why we asked for a division. We don't want a division on the closure motion.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the resolution before the House has been condemned by all sections of the House representing the people of this province. I do not therefore propose to take up the time of the House in order to point out that Government also join in this chorus of condemnation, although on several other grounds. The question before the House is really a very simple one. It is about the framing of the future constitution of India and the method by which that constitution can be framed. The resolution suggests that it should be by the method of a Constituent Assembly and that the interests of the Muslim community should be safeguarded by provisions which have the approval of the Muslims without any interference by any exterior body. Now, Sir, as regards the Constituent Assembly there are difficulties in the way, and, although at first sight it might

appear that a Constituent Assembly is the only legitimate and logical method for framing a Constitution, it has been admitted by everyone who has given any thought to this question that under existing conditions in India, a Constituent Assembly is certainly not the best method of solving the constitutional problem. There are instances, Sir, in other countries where a Constituent Assembly has been tried and there are three glaring instances which furnish examples of the appalling difficulties which beset the path of constitutionalists who want to solve this complicated problem by means of a Constituent Assembly. I will point out to the House, as I had the privilege of doing in December last when this question arose over the discussion of the War resolution—that there are three countries which have framed their constitutions through a Constituent Assembly, and these three countries furnish object lessons which we Indians cannot afford to forget. The first country is Australia. The project for the Federation of New South Wales and other semi-independent Provinces of Australia was the focus of an acute controversy for nearly 30 years and the number of Inter-Provincial Conferences and Conventions which met to discuss a variety of schemes of Federation was unusually large. The debates have been preserved and any one going through that appalling mass of printed material can realize for himself the extent and intensity of the passions roused by the simplest scheme. We can then take up the question of Canada. This country supplies us with even more material and the young and vigorous school of Canadian historians has published comprehensive monographs on almost every phase of the controversy over the union of Canada. The third country, Sir, is South Africa which offers another example which ought to serve as a warning. The English element in South Africa would never have consented to vest South African Parliament with complete power to amend the Constitution Act, and a compromise between the English and the Boers could be arrived at only after a bloody war which involved England in serious losses of men, money and prestige. Now, Sir, it has to be borne in mind that in all these countries the circumstances were more favourable for a Constituent Assembly than exist in India. The difficulties experienced by the Australian, Canadian and South African statesmen were encountered in countries which were united by many cultural, racial and political ties. The economic interests sundered the Provinces and the solution of the economic problems in Australia paved the way for a real and lasting unity but in Canada and South Africa the problem was most complicated by religion and race and in the former it required a long war to settle them, whereas in the latter the Catholics of Quebec have clung tenaciously to their religion, race, culture and representation in the Dominion Parliaments. Now, what is the state of things in India? Everyone is aware of the fact that of the total population of India our Hindu brethren are about 67 per cent. It may

be somewhere between 66 and 68 per cent., but I cannot quote the exact figure at the present moment. Now the Constituent Assembly is to be elected on the basis of adult franchise. If there is to be one member representing a million population, there will be 167 members of whom near about 123 or 124, will be Hindus including Scheduled Castes and the rest will be Muslims, Christians, Buddhists and others. Now, Sir, it would not take much long to realize that when passions run high and communalism manifests itself and the devastating communal warfares sunder community and community, race and race, and peace and harmony are disturbed all round people would be elected to vote not for the interests of the country as a whole but generally for their own community. And it is evident that in such an Assembly the majority community representing nearly 67 per cent. of the population will dominate the opinions of the rest. But a Constituent Assembly — here I am giving my personal opinion, that I am not absolutely opposed to a Constituent Assembly —can only function if the differences between the various communities are previously settled by some sort of a conference so that the details can be left to be worked out by a Constituent Assembly or any other Assembly. The frame-work must be previously settled and then the details can be worked by such an Assembly. The pity in India is that before we have been able to compose our differences we have begun to think in terms of a Constituent Assembly. Sir, I do not mean any offence but I wish to point out that this demand for a Constituent Assembly has come from our Hindu friends who constitute 67 per cent. of the population because, they know that if this method is adopted they will have all the advantages and the minorities will seldom have any effective voice or any voice at all in the framing of the constitution. The one thing needful for us therefore is not to press for a Constituent Assembly or any of those political shibboleths which may be prevailing in the countries of the West, but which are utterly unsuited to the conditions in India, but to sit down quietly, talk across a table, settle those various differences which certainly exist and which will be madness to ignore, and then form a Constituent Assembly or any Assembly you like and we will be able to frame a beautiful Constitution for India to which no objection can be raised. But under the present conditions when the Hindu does not trust the Muslim and the Muslim does not trust the Hindu or when neither of them trusts the Christian, or the Parsi and so on and so forth, it is idle to expect that the minorities will consent to the framing of a constitution by means of a Constituent Assembly elected on the basis of adult franchise.

Remember, Sir, that this adult franchise still further complicates matters. The adults in India male and female will be in the proportion of the population, and therefore about 67 per cent. of the entire population. Therefore, the reflection will be according to the ratio

in the constitution of the population, and that the Constituent Assembly consequently will be representative not of the various interests, but of one community that will dominate the rest.

Then, Sir, this resolution is objectionable also from another point of view. It speaks only of the reservation of the rights of Muslims, but it says nothing about the rights of other communities. It has been rightly pointed out by the Scheduled Caste members and Indian Christians and others who have a right to object that the only community that will have its interests safeguarded is the Muslim community. Although personally I may not have any objection to it, honestly I must say that that is not a satisfactory way of solving the constitutional problem. Now, Sir, the question therefore is a very simple one, and I regret very much that a lot of irrelevant matters were introduced into the discussion. The question of the solution of the constitutional problem by means of the Constituent Assembly is in the opinion of everyone acquainted with the state of things prevailing in India, an impossibility and does not appeal to anyone except the majority community. Therefore, Sir, on all these grounds I oppose this motion.

Mr. SPEAKER: So far as this amendment is concerned, I take it that it is accepted by the mover of the resolution.

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir.

Mr. SPEAKER: I shall then put the resolution as amended.

The resolution of Mr. Maqbul Husain as amended, viz., "This Assembly is of opinion that the Government of Bengal should convey to the Government of India and through them to the British Government that after the termination of the war the constitution of India should be framed by the Constituent Assembly elected on the basis of adult franchise with safeguards for the protection of the rights and interests of Muslims to be determined solely by the Muslim members of such Assembly, the representatives of other communities or any foreign power having no right to interfere with their decision, and in the meantime, national Government be formed in the Centre as well as in the provinces with responsibility in the Centre consisting of the representatives of different important political groups in India," was then put and lost.

We will now take up the next resolution. There is a short-notice amendment received to-day.

Mr. Khwaja SHAHABUDDIN: Sir, as far as the amendment is concerned, with your permission I would like to draw the attention of the

members of the Opposition that although we can take objection against its admissibility because it is short of notice, we are not taking any objection to it.

Mr. ATUL CHANDRA KUMAR: Because it was so arranged previously.

Mr. SPEAKER: Is there any objection to the amendment being admitted if it is otherwise relevant? (No objection was taken.) As there is no objection, I will now consider whether it is within the scope of the resolution.

Mr. Shamsuddin Ahmed, may I know what is exactly meant by "no sort of raiyatwari or other land-revenue system prevalent in this or other provinces take the place of the abolished zemindary system"?

Mr. SIBNATH BANERJEE: May I submit, Sir, that it is explained in (*b*)?

Mr. SPEAKER: You mean "abolish rent altogether"?

Mr. SIBNATH BANERJEE: Yes.

Mr. SPEAKER: Then, I am afraid it does not come within the scope of the present resolution.

Mr. SIBNATH BANERJEE: (*b*) gives a positive suggestion.

Mr. SPEAKER: I am afraid it will not come within the scope of the present resolution It raises altogether a different issue.

I am quite prepared to admit it, but I cannot allow the discussion to be diverted into an altogether different channel. This is nothing but clouding the present issue and switching ourselves on to the issue as to whether land would not be the property of everybody on payment of income-tax or without paying it. That is quite a different issue.

As regards (*c*) "debenture" I can understand, but "services in a nation building and national industrial planning scheme" is too vague a matter. In the meantime, Mr Shamsuddin, you please consider your position with regard to this amendment. As it stands, it is not admissible.

Mr. SYED JALALUDDIN HASHEMY: Let him wait for the new world order!

MR. SPEAKER: I think that the new world order must come before it can be given effect to.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move that—

"This Assembly is of opinion that steps may be taken to give effect to the recommendations of the Bengal Land Revenue Commission with necessary modifications for the replacement of the Permanent Settlement and the zemindary system by a raiyatwari method by legislation."

Sir, may I ask at the outset—what is the chief resource of the provincial revenue of the Government of Bengal? I think the answer is obvious and palpable. As Bengal is an agricultural country, so its land revenue is the chief resource of the Government. But that chief resource, the land revenue has been fixed and inelastic for the last 150 years by the Permanent Settlement against the interest of the ruling power itself, against the interest of the tenantry and so against the interest of the country as a whole.

How far such a stereotyped system if promised by the East India Company to be in force till the day of judgment even in spite of some opposition at that time can be binding upon the present Government under Provincial Autonomy at the living present and how far the Company had the right to pledge and risk the interests of the *raiyats* to the so-called rent-receivers and zemindars that were agitating the minds of the people here and abroad so long for ages? Can it be a codified rule and principle to be followed and guided upon by any progressive civilised country in the world?

So, Sir, when we look back to the year 1812, we find that a Select Committee was appointed by the House of Commons to report on the affairs of the East India Company and its fifth report dealt with the revenue administration of Bengal in which they affirmed their desire to preserve the ancient law and constitution of the country but with respect to the rights of the *raiyats* they considered by some *pattas* as if mutually adjusted executed by the landlords that the intentions and expectations of Lord Cornwallis were fulfilled.

Next, in 1830, another Select Committee was appointed by the House of Commons. They criticised the Permanent Settlement of Bengal thus,—"In the permanently-settled districts nothing is settled and the little is known but the Government assessment" and they said, "it is an error to assume that the rights of parties claiming an interest in the land were sufficiently established in custom and usage of the country to enable the Courts to protect individual rights," and curiously enough that the Select Committee also suggested that Government

might acquire zemindaries by private or public purchase in order to protect the *raiyats'* rights.

Sir, it is beyond human conception what innumerable volumes of water since then have passed through the Ganges and what tremendous changes have taken place in the life of each nation and each country of the world. For to speak of any change in the land system of Bengal till the recent time the *raiyats* were entirely left to the mercy of the rent-receivers and zemindars their hands being more strengthened gradually by legal forces for which they were described by the Government of India as "rack-rented, impoverished and oppressed."

However, at the inauguration of the Provincial Autonomy the true representatives of the public in the Legislature of Bengal—particularly the members of the Coalition Party—felt very strongly about it and ventilated the various serious defects and glaring grievances of the tillers of the soil. The popular Ministry supported by its strong and adamant party in response to the popular public view of the province redressed some of the grievances, known to all, by amending the Tenancy Act of 1938, and appointed the present Land Revenue Commission in the same year in the teeth of violent opposition, one hundred and eight years after that of the appointment of the Select Committee of 1830 and one hundred and fifty years after the Permanent Settlement itself—to consider its financial, administrative, social and economic results and to consider and report to what extent they are responsible for the present economic condition of Bengal, with various other features.

The Commission has elaborately dealt with the pros and cons, the advantages and disadvantages of the present land revenue system of Permanent Settlement. Its administrative advantages in the shape of security of revenue and its protection by a rigid sale law with its advantages undoubtedly dwindle into naught. Its circumstances might have been justified to some extent or so in the year 1793 but now standing at the middle of the 20th century, the majority of the Commission has come to the conclusion that it is no longer suitable to the conditions of the present time.

The Commission estimates that the annual loss resulting from the enactment of the Permanent Settlement in preference to a temporary settlement that Bengal has been labouring under from the very first time may be at anything between 2 crores and 8 crores. Over and above that what an immense amount in the form of *abwabs*, *nazarana* and so on has been put into the coffers of some private individuals to meet their whims and luxuries! But if the Permanent Settlement as recommended by the majority of the Commission be replaced by the new system of State acquisition then the income of the provincial

revenue may be increased even besides the income of the fishery rights, of mines and minerals, besides the income due to the growth of towns and development of trade and industries—according to my humble estimation—at least 10 crores more annually even if no scheme of any agricultural improvement with sufficient irrigation plan be taken up and given effect to in the country at large in a comprehensive scale by the Government.

Sir, some of the serious disadvantages amongst others due to the existence of the Permanent Settlement, namely, the absence of contact with the cultivators, absence of agricultural improvement, influx of the most obnoxious subinfeudation system, administrative difficulties by accelerated complexities of the immense volume of litigations, absence of the remission of rent even in case of urgent necessity, accumulation of arrears of rent—have been dealt with besides many other defects. With respect to the multiplication of intermediaries between the zemindars at the top and the actual man behind the plough at the bottom the Commission says that as many as 15 or 20 grades are not uncommonly found and refers to the Simon Commission Report which cites 50 or more intermediate interests in subinfeudation.

Sir, it was not possible for the Commission to deal with the facts that by placing the tenants entirely at the mercy of the rent-receivers how much they extorted annually under the name of *abwabs*, how many millions being thus "rack-rented, impoverished, oppressed" and sucked of blood were mercilessly thrust to grovel into the graves and how many millions were converted per annum into the landless day labourers and how many took shelter into the uninhabitable dense forests of Goalpara, Assam and where not! The Commission is also silent on the point what a large number of an educated class the common people could produce, if they would not have been robbed of their peace and happiness, health and wealth, purse and property due to the multifarious defects of the Permanent Settlement. Indeed Permanent Settlement alone may not have been but chiefly and primarily has been responsible for the general poverty and indebtedness of the agricultural population of Bengal.

Under the circumstances, the majority members of the Commission have come to the conclusion that the Permanent Settlement and the obnoxious zemindary system full of defects must be abolished and replaced by the State acquisition of the interests of all rent-receivers between the Government and actual cultivators of the soil at the compensation of 10 times the net profit of the properties and tenure-holders which should be paid in bonds redeemable within 60 years at 4 per cent. annual interest if the compensation be over Rs. 500. The Commission deals with various other matters and recommends for the amelioration of the condition of the people at large.

It is learnt that the Government has appointed a Special Officer to consider the recommendations of the Commission in different aspects especially in legal and constitutional points of view and to report.

On constitutional point the Commission clarifies the fact that "there is no legal or constitutional bar to the reconsideration of the Permanent Settlement or to its replacement by any other system which is better adapted to the conditions of the present time" and refers to the report of the Joint Committee on Indian Constitutional Reforms which has given an ample latitude to the Indian Ministry under Provincial Autonomy to regulate, alter, or repeal the land revenue system under Permanent Settlement with the recommendation by the Joint Committee that any Bill passed by the Legislature altering the character of the Permanent Settlement should be reserved for the signification of His Majesty's pleasure which is also clearly provided for in the Instrument of Instructions to the Governor and the Governor-General.

Now, Sir, to remove the difficulties of the Government itself, to remove the age-long grievances of the millions of the population by bringing the tenantry in direct contact with Government and to create better feelings between the landlords of so long and tenants, in other words to build a better Bengal, better in the sense of health and wealth, education and sanitation, trade and industry, commerce and communication and in various other matters—the recommendations of the Bengal Land Revenue Commission with necessary modifications per report of the Special Officer appointed for the purpose and as suggested by the members of the Legislature should be given effect to as early as possible and for which, I hope, the popular Government should bring a legislation at the earliest opportunity.

With these remarks, I commend this resolution to the House for support and acceptance.

Mr. SYED JALALUDDIN HASHEMY: Sir, I beg to move that in line 1, after the word "that" the word "immediate" be inserted and in line 3 the words "with necessary modifications" be deleted.

Sir, in moving my amendment, I do not propose to trace the history of this movement—I mean, the origin, growth and development of this movement, namely, the replacement of Permanent Settlement and the zemindary system by a raiyatwari system. Sir, it is common knowledge that in every district, every subdivision, every thana—I can say with confidence that in every village of Bengal this movement has spread widely. There is no use telling this House the reason behind this movement. It is also common knowledge that on account of the unsympathetic attitude of the zemindars of Bengal, the tenants had to take recourse to this movement. Sir, I am only reminding the members opposite that just before the general election of this Assembly, the Hon'ble the Chief Minister of Bengal who was then the Leader of the

Krishak Praja Party——(Mr. ABDUL WAHAB KHAN: He is still the Leader.) I agree with that. The Hon'ble Chief Minister set forth in his election pledge to do away with this system, that is, to abolish the zemindary system and with it the Permanent Settlement. Sir, the speeches that were delivered by the Hon'ble the Chief Minister of Bengal are still ringing in our ears. To fulfil the terms of the pledge, the Coalition Party—I do not say, the party we belong to but the Coalition Party—decided to appoint a Commission. Sir, we opposed the appointment of this Commission, particularly the appointment of the particular Chairman of the Commission. Sir, it is not unknown to the members of this House that we did our level best to oppose the appointment of Sir Francis Floud as the Chairman of this Commission, but as ill luck would have it, I mean, of the party opposite, that in the Chairman we found a socialist (Mr. ABDUL WAHAB KHAN: And still you oppose it!) Our previous idea was wrong. (Cries of "hear", "hear" from the Coalition Benches.) When the report is before us, it is only fair that the report should be placed before the House.

Now, Sir, I find no earthly reason to appoint another officer to review the report. Sir, we know the fate of these reports and we can anticipate, we can visualise the result that will come from the review by another officer. (Mr. ABDUL WAHAB KHAN: It is not for review.) I do not know whether it is for review or for examination or for any other purpose. But the fact remains that Mr. C. W. Gurner has been appointed to go through this report and help the Coalition Party to shelve the report for all time to come. The other day, the Hon'ble Sir Bijoy Prasad Singh Roy confessed in course of a reply to a question that it will not be possible for the Government to place the report before the Legislature at least before 18 months from this month, that is, Government will be prepared to place the report before the House only after 18 months which is just before the next general election of the Assembly, so that you will be able to go with your head up and say that "we have done so far and the rest we will do if we are again elected as members of the Legislature."

Sir, can anybody tell me the reason for the appointment of this particular officer to examine this report? Sir, I have already said that it is common knowledge that the people of Bengal—the majority, the overwhelming majority of the people of Bengal—want a change of the existing system. So what earthly reason can there be to appoint an officer for another examination? Sir, the Commission was appointed by Government. Certainly chosen persons were appointed by the Government. But when there was difficulty, three more persons were added to the number of members already appointed by the Government. And who are they? They are our friends opposite and you know their names. Still the report is as the people wanted it. Now, Sir, it is in all fairness that if you want

any modification, if you want any change, if you want any alteration, you should place it before the Assembly so that the members of the House may express their feelings on it. If there is any loophole and any change or alteration is necessary, then do it here.

Sir, the intention of the Government is clear—they are not going to place this report before this House at all (cries of "No", "no" from the Coalition Benches), because the Midnapore Zemindary and other Zemindary Companies are involved in this. Of course there may be reasons for that. At this particular time, when the international situation is so grave, Government is naturally afraid to deal with this delicate matter, that is, they are afraid of displeasing their feudal lords, I mean, the zemindars of Bengal. If that is so, let the Government of Bengal be frank and fair and let them declare that they are not going to consider this report at all till the termination of the War—we can understand it. But why this *gojamil*? We have already spent more than 2½ lakhs of rupees for the purpose of this Commission—I do not know the exact figure, but it may exceed 2 lakhs. Again another person has been appointed to deal with the matter. Why? The Hon'ble Revenue Minister is here—he can enlighten the House about the exact amount involved in this particular matter—I mean, for the purpose of appointment of Mr. C. W. Gurner for re-examination of the report. At least it will be Rs. 50,000 or more. The net result will be that the report will come before this House after this examination. But I warn the members opposite that it will not come.

Again another situation will develop and it will be said that so much of the reforms concern the Government of India and we have no jurisdiction over that, and that will have to be referred to the Government of India. Thus it will take another six months and soon the time will be reached when the members of this House will have to say good-bye to this House. Let us hear from the Hon'ble the Revenue Minister that Government is not prepared to consider this report in view of the present international situation. We can understand that, but I say let him not spend poor Bengal's money in this fashion any longer. Therefore I propose that immediate effect be given to the report, and that the words "with necessary modifications" be deleted. We are the masters and we can make any modification we like. We are the masters and not Mr. C. W. Gurner or anybody else. We appointed this Commission and we will examine this report, and the members of the European Group can also give their verdict. But why should we send this report from one officer to another. I want to know the intention of the Government in clear terms. This resolution has come as a God-send to-day, and it will give us an opportunity to go all over Bengal and say that Government is not prepared to consider this report. I give another note of warning and I will be very much satisfied if the Coalition Party disbelieve us. (A VOICE: They do.) If they do that let

them be frank at least to-day of all days, because this is a matter which involves the interests of Bengal. No more shilly-shallying will do. You have come here with a clear pledge and you are morally bound to fulfil that pledge. But you will go to the interior and explain that Mr. C. W. Gurner is considering the report. If you can satisfy your constituency——

Maulvi ABUL HASHIM: We are trying a *gonjamil.*

Mr. SYED JALALUDDIN HASHEMY: Do it because you have got power, but do not abuse your power in this fashion. For once at least be straightforward and let the people of Bengal know that it is beyond your power to dissatisfy the zemindars of Bengal, the pillars of Bengal and the future hopes of the continuance of British rule in India. Say that plainly. I think there cannot be any reasonable objection to accepting my amendment. I have endorsed every word of the honourable member opposite who has moved this resolution—Mr. Abdul Hafiz. Let him also rise up here and now and accept my simple amendment: only the insertion of the word "immediate" and nothing else. Of course the question of the deletion of the words "with necessary modification" may be considered later on. Let him accept my amendment and let us Hindus and Muhammadans as champions of the Projas show another united front to-day.

With these words I move my amendment to the acceptance of the House.

Khan Sahib HAMIDUDDIN AHMED: Mr. Speaker, Sir, while supporting the resolution of my esteemed friend Mr. Mirza I do not like to refer to the details of the Report of the Revenue Commission for they have been discussed and criticised elaborately in the press as well as on the platform. I hope all will agree with me when I say that it has been established beyond any controversy that the Permanent Settlement is one of the greatest evils of the British administration in India. Nobody can deny that this system has greatly influenced the economic condition of the country at large. We are grateful to the present Ministry for taking bold steps within a very short period of their assumption of responsibility of the government of the province in appointing the Revenue Commission for examining the problem. The difference between the revenue and the rent though underestimated by the Commission is considerable. In the present state of economic condition it is unthinkable to adopt measures for fresh taxation for advancement of various nation building departments which are long overdue and call for immediate attention. And it is idle to say that all the desired improvement should be made without tapping new sources for increasing the finances of the province. Under the present

circumstances the only way by which the financial position of the Government exchequer can be improved is by appropriating the amount represented by the aforesaid differences which is nothing but a middleman's profit and unearned income so long enjoyed by a handful of people of the province designated as landlords, by a stroke of pen of Lord Cornwallis. The course is clear, the Revenue Commission has submitted its report with definite proposals which should not be shelved on one plea or other. Government has now entrusted the report with one of their officers probably for expert opinion. It passes one's comprehension what useful purpose will be served by X-raying the report prepared by a number of experts after elaborate investigation and laborious discussion. Lord Cornwallis's ill-conceived regulation tied the teeming millions into thraldom for well-nigh a century and a half and it will be nothing less than a criminal act to keep the real tillers of the soil in a state of mediaeval enslavement one single moment, after the pernicious consequences of the system has been laid bare. While pressing for giving effect to the recommendations of the Commission I do not lose sight of the difficulty that may come on the way. What I urge upon the Government is to approach the question with the determination of putting the proposals into effect without delaying one day more than is absolutely necessary. The history of Commissions and Committees appointed by Government from time to time has a very distressing tale to tell. As soon as public opinion is forged on some burning problem of the day the Government readily appoints a committee or commission whose works are conducted with serious ceremonies. A considerable amount of public money is spent after them, the public are kept in expectation for a pretty long time for something good to be done for them and a nicely bound book is published with pompous advertisement called the "Report" at last only to adorn the dusty racks of the Secretariat. I am sure the popular Ministry will not allow things to take such a turn. What I want to emphasise is to make the masses living in the countryside who have very little to do with academic discussion in the Assembly or elsewhere feel that something beneficial, some step in ameliorating their condition has been actually done.

It is natural that opposition will be put forward by interested parties, but I would appeal to that small but influential section of the people who will be adversely affected, to realize the deplorable condition of their neighbours and to march with the time and the altered circumstances that came over the world years and centuries before in other countries and at last in this cursed land of ours. They must not be blind to the fact that they failed colossally in discharging the obligations put on them by the authors of the Regulation towards their tenants. Had they done half of what they were wanted to do, our masses—I mean the real producers of wealth—would not have been

so backward, as we find them to-day, in education, in health, in wealth and in moral sphere. The zemindars asserted every inch of their rights and probably more than was given to them by the statute, but they failed and avoided to discharge their obligations. No amount of legislation enacted up till to-day has been sufficient to protect the tenants from the excesses of the landlords. In spite of the best wishes of the Government it has not been able to do any real good to the masses primarily due to the pernicious land revenue system of the country. The sooner it is done away with the better for all concerned.

Mr. RASIK LAL BISWAS: সভাপতি মহাশয়, যে প্রস্তাব এখানে আমাদের বন্ধু Mirza Abdul Hafiz সাহেব উত্থাপন করেছেন সেই প্রস্তাব আমি সমর্থন করছি। (A voice from the Congress bench : সর্ববান্তঃকরণে?) আমরা যখন যাহা বা যে প্রস্তাব সমর্থন করি তা সর্ববান্তঃকরণে এবং অন্তরের সঙ্গেই করে থাকি, House এর ও ধারের কোন কোন memberএর মতন অর্দ্ধঅন্তরের সঙ্গে বা অন্তঃসারশূন্যভাবে করি না। (A voice from the Congress bench : আমাদের এদিক থেকেও যাঁরা member বোধ হয় এই রকমই করেছেন।)

Government যে Revenue Commission appoint কোরেছিলেন তার উদ্দেশ্য আমরা সকলে জানি। গভর্ণমেণ্ট এ দেশের Permanent Settlement এর অসুবিধা বুঝতে পারে এবং দেশের জনসাধারণের মধ্যে থেকে এই Permanent Settlement উঠিয়ে দেবার যে দাবী উঠেছে সেটা বুঝতে পেরে তার প্রতিকারের ব্যবস্থার জন্য এই Commission তাঁরা নিযুক্ত করেছিলেন। Commission তাঁদের report দাখিল করেছেন এবং Commission যে কি ভাবে report দাখিল করেছেন এবং তাঁদের সুপারিশ যে কি, তাও এই Houseএর প্রত্যেক member জানতে পেরেছেন এবং এই সঙ্গে সঙ্গে Government এবং Coalition দলের memberদের যে কি উদ্দেশ্য তাও জানবার উপায় হয়েছে। কারণ, Coalition এর ভিতর থেকে যে সমস্ত member সদস্য হয়েছিলেন তাঁরা যা সুপারিশ করেছেন তাও সেই reportএ বিশদভাবে আছে। তাঁরাও সেখানে, এই কথাই বলেছেন যে Permanent Settlement উঠিয়ে দিতে হবে। আর অপর দিকের দলের যে সদস্য Commissionএ ছিলেন, তাঁদের recommendation কি ছিল, তাও Houseএর সকল member জানতে পেরেছেন। তাহ'লে এই দুটা জিনিষ তুলনা করে পড়লেই বুঝতে পারবেন যে Governmentএর এবং Government সমর্থকদের সুপারিস কি এবং কংগ্রেসের মতলবই বা কি?

এ বিষয়ে আমরা নিশ্চিত হয়ে আছি যে দেশের পক্ষে যেটা মঙ্গলজনক হবে, সেটা Government করতে পশ্চাৎপদ হবেন না। এই সঙ্গে এই বলিতে চাই যে Government tenancy legislation সম্বন্ধে যা করেছেন, সেই ধারাগুলি যদি পর্য্যালোচনা করা যায়, পূর্ববর্ত্তী বক্তা হাসেমী সাহেব যা সন্দেহ প্রকাশ করেছেন, সেই সন্দেহের কোন স্থান থাকতে পারে না। এই গভর্ণমেণ্ট যেরূপ অগ্রসর নীতি গ্রহণ করেছেন ভারতবর্ষের কোন গভর্ণমেণ্টই তাহা পারেন নাই। এই গভর্ণমেণ্ট

বঙ্গদেশের যুগান্তর আনিতেছে। আমার মনে হয় যেভাবে কমিশনের রিপোর্ট গভর্ণমেণ্ট গ্রহণ কোরেছেন এবং গভর্ণমেণ্ট যা কোরতে চাচ্ছেন, তা আপনারা বুঝতেই পারছেন। সুতরাং গভর্ণমেণ্টকে সকলে একযোগে congratulate করা এবং সমর্থন করা উচিত ছিলো। কমিশন কতকগুলি alternate সুপারিশ কোরেছেন এবং নীতির বিষয়ে কতকগুলি মোটামুটি ধারা জানিয়েছেন। সেগুলি সম্বন্ধে বিশেষ বিবেচনা করা দরকার এবং আমরা জানি তারি জন্য Special Officer নিযুক্ত হয়েছেন। সে বিষয়গুলি Special Officer ঠিক কোরে রিপোর্ট দিলেই গভর্ণমেণ্ট House-এর সামনে সেগুলি উপস্থিত কোরবেন। এই সমস্ত বিবেচনা কোরে কমিশনের রিপোর্ট সম্বন্ধে হতাশ হবার বা কোন সন্দেহ করবার কোন কারণ থাকে না। কমিশনের যে রিপোর্ট মেজরিটিরা দিয়েছেন তার মধ্যে alternative suggestion আছে। সেটা হচ্চে পারমানেণ্ট সেটেলমেণ্ট রদ হোতে যদি আইনের কিছু বাধা বা উপর থেকে কোন বাধা হয় বা অসুবিধা আসে তাহলে জমিদারী income এর উপর tax ধরবার কথা আছে। জমিদারী system যে তুলে দিতে হবে সে সকলেই মেনে নিয়েছেন কমিশনের জমিদার সদস্যগণও জমিদারী তুলে দিতে রাজী হয়েছেন। জমিদাররা এতদিন পর্য্যন্ত গভর্ণমেণ্টকে দিয়ে আসছেন মাত্র ৩ কোটি টাকা অথচ প্রজাদের কাছ থেকে খাজনা আদায় হয় ১৮।১৯ কোটি টাকা, মাঝখান থেকে ১৫।১৬ কোটি টাকা যারা খাজনা আদায় করেন—জমিদার এবং অন্যান্য মধ্যস্বত্বাধিকারী যারা তারাই খায়। দেশের জনসাধারণের ভোগে বা কাজে সেটা আসে না। রায় বাহাদুর যে বোল্‌ছেন সেটা ন দেবায় ন ধর্ম্মায়, আমিও তাই বলি। কাজেই এই টাকা যদি জমিদার এবং মধ্যস্বত্বাধিকারীদের কাছ থেকে আনা যায় তাহলে গভর্ণমেণ্টের রেভিনিউ বাড়্‌বে; তার ফলে গভর্ণমেণ্ট যে বাস্তবিক অর্থের অভাবে অনেক কিছু কোরতে পারছেন না সেই অর্থাভাব থেকে গভর্ণমেণ্টকে মুক্ত করা যাবে। এবং তখন sanitation, education, irrigation and communication সব দিকেই খরচের জন্য যথেষ্ট টাকা পাওয়া যাবে। আমরা আশা করি opposition থেকে যদি কোন বাধা না আসে তাহলে জমিদারী প্রথার লোপ হবে এবং প্রজারাই জমির মালিক হবে। কৃষক প্রজা দলের লোকেরা সেদিকে যেন বেশ লক্ষ্য রাখেন, যদি বাধা আসে তবে ঐ কংগ্রেসের দিক থেকেই আস্‌বে। Coalition থেকে আস্‌বে না। কংগ্রেসের ভিতর সকলে এক মত হবে না,—দ্বিমত হবে। (A member of the Krishak Praja Group: How can you dare say that.) কংগ্রেস্ যদি বড় লোকের হাত থেকে মুক্ত হতো তাহলে আমাদের অন্যরূপ ধারণা হোতে পারতো। জমিদারী system তুলে দেওয়া যে Congress সমর্থন কোরবে না তার indication এই Congress দলের যে member এই Commission এর ভিতর ছিলেন তাঁর report থেকেই দেখা যাচ্ছে। কারণ তারা জমিদারী প্রথা তুলে দেওয়া সমর্থন করেন নাই। কিম্বা agricultural income এর উপর tax ধরা সমর্থন করেন নাই।

Mr. SANTOSH KUMAR BASU: On a point of order, Mr. Speaker. May I point out that the honourable member is entirely wrong in

stating repeatedly that there was a Congress member on the Commission? As a matter of fact there was no member nominated by this party and I think, Sir, he will not be allowed by you to repeat the statement time and again that there was a Congress member on this Commission.

Mr. SPEAKER: Unfortunately I have as much information in favour of this statement as against it. That is, I have no information one way or the other.

Mr. SANTOSH KUMAR BASU: I am supplying the information, Sir, and I hope you will kindly take note of this.

Mr. SPEAKER: Well, that will go into the proceedings.

Mr. RASIK LAL BISWAS: কংগ্রেসের সভ্য যিনি সেখানে ছিলেন তিনি কংগ্রেস পার্টির Upper House এর Leader ছিলেন কাজেই এ সম্বন্ধে অন্য রকম বোঝবার আমাদের কোন কারণ নাই। কংগ্রেসের কোন সভ্য যদি ব্যক্তিগত মত দিয়ে থাকেন তাহলে অপর সকলে এক হোয়ে সেটার প্রতিবাদ করলেন না কেন? গভর্ণমেণ্ট bold step নিয়ে যে দেশের জমিজমা সংক্রান্ত আইন সংস্কারের নীতি হাতে নিয়েছেন—এটা তাঁরা সমর্থন কোরবেন, এবং গভর্ণমেণ্টর সমর্থনকারী সভ্যদের ধন্যবাদ দেবেন। তাঁরা যেন তাঁদের কাগজে উল্টো প্রোপাগেণ্ডা কোরে লোকের মনে ভুল ধারণার সৃষ্টি না করেন। এই কথা বলেই আমি আমার বক্তব্য শেষ কোরছি।

Mr. SPEAKER: I find that there are other members who are willing to speak on this resolution; I have however to adjourn the House now and they can speak after we reassemble.

The House was then adjourned for 20 minutes.

(After Adjournment.)

Sir HENRY BIRKMYRE: Sir, the resolution which has been moved by my friend Mr. Mirza Abdul Hafiz introduces a matter of prime importance to the province of Bengal. One can understand and sympathise with the natural anxiety of everybody concerned for the immediate adoption of any measure which will ameliorate the conditions of cultivators in Bengal and which will increase the revenues of the province, but the issues are so diverse and of such far-reaching importance that it is impossible to arrive at a right solution except after very careful consideration and after weighing all the issues which are

likely to be raised when the problem is gone into with a view to taking action. My friend, Mr. Hashemy, paid my party very great compliments for which we are very grateful but I fear we don't deserve them because we are neither agricultural nor zemindary experts although he may think so.

Now, Sir, the permanent settlement has been in existence for 150 years. To attempt to upset that, to do away with that, in the twinkling of an eye, would, I think, create a chaos which would wreck the finances of this province for a very long time. We have all read the Floud Committee's report. It is a work which shows tremendous thought and great research and is, in my opinion, of immense value. Why should it not be given the consideration which is its due? An able officer has been appointed to study that report, and I am not in agreement with Mr. Hashemy in his contention that any further report will be of no value. This House has much to do, and therefore, if a further report embracing the salient points could be put in front, we shall be in a better position to deliberate and come to a decision. The party for whom I have the honour to speak is in favour of anything which will improve the lot of the people of this province, and which will improve its revenues, but we are strongly opposed to any hasty legislation. This report will provide us with food for thought for a very long time and I am of opinion that Government, after studying the matter in all its aspects, will no doubt produce a measure which we could consider and which, I am sure, will be of far more value than any hasty and ill-considered measure which would, if adopted in a hurry, defeat the essence of good Government which is holding the scales even and giving fair treatment to every section of the community.

Sir, I oppose the amendment of my friend Mr. Hashemy.

Dr. SURESH CHANDRA BANERJEE : Sir, it is a matter of deep regret that a resolution on such an important issue has been put in such uncertain language. Sir, the resolution along with the amendment of Mr. Hashemy says that immediate steps be taken to give effect to the recommendations of the Bengal Land Revenue Commission with necessary modifications for the replacement of the Permanent Settlement and the zemindary system by a raiyatwari method by legislation. Sir, from this resolution one is apt to think that the replacement of the present zemindary system by the raiyatwari system is the only recommendation of the Floud Commission, and that if this change be brought about, all the problems of the agriculturists will be solved. That is not the recommendation of the Floud Commission. Had this been the only recommendation, I would have said the problem of Bengal, even after the Floud Commission's recommendation is given effect to,

will remain unsolved. Sir, the Floud Commission envisages a complete picture, a beautiful picture, which though not perfect, yet if given effect to will change the appearance, the shape, the face of the whole of Bengal. It will transform the present poor Bengal into a fairly prosperous happy Bengal. What is the picture which this Floud Commission conceives? It conceives of four things. There are many recommendations, and after deep scrutiny I have analysed these recommendations into four main heads, and what are those heads? First, the zemindary system must be abolished. How is that to be abolished, what compensation is to be given, how is it to be given? Into all these details I am not going as I am afraid I will have no time to do so.

The second recommendation which is equally important is that the tillers of the soil must—whether to-day or to-morrow—be made the tenants so that a sort of State landlordism may be established with no intermediary interest between the State and the actual tillers of the soil. The Floud Commission has distinctly said that it may take some time to give effect to this recommendation, but that should be our ultimate goal. The third recommendation is—and the Commission is emphatic as regards this point—that even if the zemindary system be removed, even if the tillers of the soil be made absolute masters of the soil, even if they have not to pay any interest at all, if their lands are absolutely rent-free, even then they won't be rich. In the opinion of the Commission which must be considered as very valuable, the present income of a family of an agriculturist in Bengal is on an average Rs. 225 per year, and it has also been found out that the average number of members in a family in Bengal is approximately five. If we divide this Rs. 225 by 5 what does it come to? It comes to only Rs. 45 per head. (Dr. NALINAKSHA SANYAL: Rs. 42 and not Rs. 45.) (Mr. SURENDRA NATH BISWAS: It is Rs. 40. The average income is also not Rs. 225). Please don't interrupt me. Yes, it comes to Rs. 45 per head per year. What is it? It is nothing. Compared with the income which other countries have, e.g., America with Rs. 2,200 per head per year, England with Rs. 1,500 per head per year, Japan with Rs. 750 per head per year—what does it come to? The present problems of the land cannot be solved with this income. One cannot get even the *dal-bhat*, about which the Premier often speaks, with this petty income. With this small income, even if one has not to pay any rent, the problem will remain unsolved. The Commission says that due to over-pressure on the land many of the people of Bengal are at present landless, many of the holdings are uneconomic. Consider the case of a family with five *bighas* of land in Tippera, for instance, from where I come and where I am a tenant under the Maharaja of Tippera. For every *bigha* I pay Re. 1-8 as rent per year, and if I am to pay rent for five *bighas* I am

to pay Rs. 7-8 per year. What does it matter even if this sum of Rs. 7-8 be now deducted from the income? It means nothing by way of income. Do you think, my dear friends opposite, that if the income of every family in Bengal be increased by only Rs. 7-8 a year, all the problems of peasant life in Bengal will be solved? Not at all. But I am afraid, Sir; I often hear, not only here but also on outside platforms, many big leaders say: remove the zemindary system and all the problems of Bengal will be solved: I am not charmed with the zemindary system. From my early boyhood, Sir, I am against it, because I am not a zemindar; I am a poor tenant and all along in my life I had to suffer all sorts of oppression at the hands of zemindars. I know how morally degraded they generally are. With zemindars as neighbours it is often impossible for poor men to live happy lives with their wives. I know that. So a more bitter enemy of the zemindars than myself you can't have. I have no liking for them. Had I the power in my hands, I would have abolished the system just here and now, but——(laughter from Coalition Benches)——but, Sir, the removal of this system alone will not do. By all means have the system removed, but also have a broader vision. Have also courage enough to look facts in the face; do not delude yourselves with vain hopes.

Sir, there are two other recommendations. The third and the fourth recommendations are most important, because if we really want to improve the economic condition of the people of Bengal, if we want to make the people of Bengal happy and prosperous as they were before, and if we want them to live life as it should be lived, then these recommendations should be given effect to, and these are recommendations, Sir, which we can give effect to at once without the least possible delay. As to the removal of the zemindary system, even the Floud Commission has said that it is not possible for us in this House nor for the Government of India to give effect to it at once. The right to effect its removal or abolition ultimately rests with Parliament, and considering the present condition of the world I am doubtful whether Parliament will devote its attention now to this affair. So it means no action, non-activity; it means keeping the tenants in their present condition; it also means avoiding our duties, and what are those duties, Sir? Those duties have been suggested by the Commission. Those duties are to try to improve the economic condition of the agriculturists. The Commission has very boldly stated that the real reason for the present poor condition of the people is over-pressure on the land. I am sorry to say, Sir, that the Commission has not gone into the reason why there has been this over-pressure on the land. Had it done so, it would have revealed facts—facts over which we dare not ponder. These facts cover a black chapter in the history of those who are sitting on the other side of

the House; it means a deliberate attempt on the part of their predecessors to deprive us of our life-blood, a deliberate plan on the part of the British Government to suck Bengal of its life-blood and to suck it slowly and steadily so that there may not be absolute death all at once. It is owing to that blood-sucking policy followed by their predecessors that the industries, the cottage industries, of Bengal have been absolutely demolished, and the people deprived of their industries have had to fall back on the land. The result has been fragmentation of the land into small pieces; the result has been the deprivation of the people of their elementary right to live. But the Commission has not gone into these questions. It has suggested a remedy. This remedy has two aspects: First of all, improve the agricultural condition, improve the condition of the land, improve the system of irrigation, improve the system of fertilisation of the land; and along with that improve the quality of the seeds—supply the people with new and better seeds—seeds of such things as best varieties of sugar-cane, tomato and such other things. The other aspect of the remedy is the introduction of industries—small factories in the villages and cottage industries throughout Bengal. This is not the first time, Sir, that on the floor of this House I have suggested this thing. In many speeches before I said that unless we go on industrialising the villages there is no hope for Bengal But in spite of our repeated demands the present Government has not done anything in this direction, and it is due probably to this fact that the resolution has been moved in this one-sided way.

Now Sir, the present Government of Bengal has not only not done anything to improve the economic condition of the people of Bengal but it has done everything in its power to crush the attempts which were made by non-government agencies to introduce cottage industries in various parts of Bengal. Sir, I happened to be the President of an unlawful association, namely, the Abhoy Ashram. One who knows anything about the activities of the Abhoy Ashram knows that these activities are directed towards the practical realisation of the recommendations of the Floud Commission. The workers of the Abhoy Ashram tried to teach the people of Tippera and other parts of Bengal better system of agriculture. They also tried to introduce various kinds of cottage industries in the various districts of Bengal. They also taught weaving and spinning not only of cotton but also of wool and silk. But the Bengal Government—not only the old bureaucratic Government but even the present Government—thought it wise to continue to keep that beautiful organisation as unlawful. It was for that reason that I was saying that they have not only not done anything to improve the condition of the people of Bengal, but on the contrary they have tried in every possible way to crush the movements that were started by the various non-official organisations with a view to improve the miserable condition of the people of Bengal.

Sir, my time is up, but my heart is still full and before I sit down, I would only appeal to the members of the House not to confine their vision to the wording of the resolution, but to take the Report of the Floud Commission as a whole and to consider it in all its different aspects—not only in its aspect of removing the zemindary system, not only in its aspects of making the tillers of the soil the proprietor of the soil, but also in its aspect of better agriculture and better industrialization. If we can proceed on that line with courage and determination, then alone can Bengal prosper—otherwise not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, before I speak on the resolution itself, I will try to reply to one or two criticisms made by the mover of the amendment, Mr. Jalaluddin Hashemy——

Dr. NALINAKSHA SANYAL: Sir, how long will the Hon'ble Minister speak?

Mr. SPEAKER: I am not concluding the debate.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then I do not like to speak now.

Mr. SYED MUSTAGAWSAL HAQUE: Mr. Speaker, Sir, I do not want to inflict a long speech this evening. The subject is very important and many of my friends have spoken to-night on this subject.

Sir, one of the popular acts of the popular Ministry was the appointment of the Land Revenue Commission which was approved of by the Legislature and the Commission was presided over by no less a person than Sir Francis Floud of Canadian reputation, assisted by eminent lawyers and far-sighted politicians. They submitted their recommendations in due time. The recommendations of the Commission are before the Government now. Sir, I do not like to go into details, but I will deal with the main recommedations and I shall cite three or four important points. The most important recommendations of the Commission were the abolition of the Permanent Settlement and the purchase of land by the State. Sir, in the year 1793 Lord Cornwallis, by one stroke of the pen, made the land-receiver—the tashildar—the proprietor of the land. He expected that these zemindars would improve the land, but in actual practice they absolutely neglected their duties and have since then been sitting absolutely idle.

Now, Sir, the recommendation of the Land Revenue Commission is that the Permanent Settlement is to be abolished, and I think it is the popular demand. In the last General Election we were committed to this pledge, and this demand of the people was approved of by the Coalition Party and as a result thereof Government appointed this Commission. Now it is the duty of the Government to accept the recommendations of the Land Revenue Commission. If it is found that it is not possible to accept all the recommendations, they should accept at least the major recommendations, and we expect that the popular Government will accept them.

Sir, the zemandary system has crippled the Provincial Exchequer, and if the present Ministry is unable to do many benevolent works it is due to the existence of the Permanent Settlement. If the recommendations of the Land Revenue Commission are accepted, I believe the provincial revenue will be increased to a great extent and many of the nation-building departments will not starve. Sir, even to-day Bengal is lagging behind in industry, trade and commerce, and this is due to the existence of the Permanent Settlement. Most of our people, especially the rich people, have blocked their money in land. If the Permanent Settlement is abolished, then we can expect that their resources will be better utilised for the improvement and expansion of trade and commerce.

Sir, another important recommendation of the Land Revenue Commission is to give the *bargadars*—the landless people—their lands back. Sir, you will be surprised to hear that in my district about one-fourth of the land is now in the hands of the zemindars and *mahajans*, and the agriculturists are practically landless to-day. If this recommendation about abolition of the Permanent Settlement is accepted, then the lot of these people will be greatly improved.

Sir, I do not like to discuss the other important points. I hope, Government will accept the recommendations of the Land Revenue Commission, and I congratulate my esteemed friend Mr. Mirza Abdul Hafiz for bringing forwarded this resolution. I hope this resolution will be accepted by the House.

Mr. B. MUKHERJEE: Mr. Speaker, Sir, ফ্লাউড্ কমিশনের যে সমস্যাটা উঠেছিলো সে সমস্যাটার অন্ততঃ চারটে দিক বা চারটে স্বার্থের দিক থেকে আলোচনা চোল্‌তে পারে। প্রথম স্বার্থ—জমিদারদের, দ্বিতীয় স্বার্থ—গভর্ণমেণ্টের, তৃতীয় স্বার্থ—মধ্যস্বত্ববান জোতদারদের এবং চতুর্থ স্বার্থ—সত্যিকারের কৃষক শ্রেণীর। দুঃখের বিষয়—আমাদের দৃষ্টিতে বর্ত্তমান গভর্ণমেণ্ট এবং জোতদার শ্রেণী প্রায় একাত্মীভূত। তাঁদের দৃষ্টি কম। তাঁদের শ্রেণীস্বার্থ এবং তাঁদের চিন্তাধারা সম্পূর্ণ ভাবে

জোতদার শ্রেণীর শ্রেণীস্বার্থ দ্বারা প্রভাবান্বিত। এই ফ্লাউড্ কমিশনের যখন নিয়োগ করা হয়, আমাদের ঘোরতর আপত্তি ছিলো,—যদি আজ সমস্যা এতই গুরুতর, তবে কমিশন এবং কমিশনের পর expert এর হাতে দিয়ে আজকে এ সমস্যাকে এড়িয়ে যাওয়া চলে, এবং আমরা মস্ত বড় একটা কিছু কোরেছি,—এই রকমের একটা ধোকা বাংলার কৃষকদের দেওয়া চলে,—তার চেয়ে বেশী কিছুই চলে না।

আজ শুনতে পাচ্ছি,—ভোটের পূর্বের প্রতিশ্রুতির কথা। ভোটের পূর্বে যখন প্রতিশ্রুতি দেওয়া হোয়েছিলো—জমিদারী প্রথার উচ্ছেদের, তখন কি সে সম্বন্ধে চিন্তা না কোরে বিভিন্ন পার্টি যে এখানে এসেছেন, তারা কি বোলে এসেছিলেন আমাদের, দেবার পরে আমরা ফ্লাউড কমিশন appoint কোরবো, এবং তাঁদের যে নির্দেশ তার উপর একটা expert committee কোরবো, তারপরে, পুনর্বার আপনাদের কাছ থেকে ভোট নিয়ে কর্তব্য স্থির কোরবো। যখন তাঁরা প্রতিশ্রুতি দেন তখন সে বিষয়ে পরম নিশ্চিন্ত ছিলেন। প্রত্যেক পার্টির responsible leader দের ধারণা ছিলো, যে এ সমস্যাটা কতখানি গুরুতর। এবং এ সম্বন্ধে বিভিন্ন স্বার্থের কতখানি সংঘাত? এবং সে সমস্ত জেনেই তারা প্রতিশ্রুতি দেন। যদি election pledge এ কোন রকম programme থাকে তো তার মানে হোচ্চে মাত্র একটা readymade স্কীম করবার ইঙ্গিত, তাহোলে সাড়ে তিন বছরের মূল্যবান সময় অপব্যয় করবার কি প্রয়োজন? এবং আরো দেড় বৎসর অপব্যয় করা হবে। বর্তমানে বাংলার কৃষক সমাজ দুর্গতির চরম সীমায় পৌঁছেচে,—আরো অবস্থা খারাপের দিকে চোল্‌তে থাক্‌বে,—অথচ আমরা সেখানে স্বচ্ছন্দে তাদের কাছে গিয়ে বোল্‌তে পারবো,—তোমাদের সম্বন্ধে খুব সুবিজ্ঞ চিকিৎসক বিলেত থেকে আনা হোয়েছে এবং তাঁদের prescription দেবার পর আরো ভালো কম্পাউণ্ডার খুঁজে বার কোরলে, তারা এসে ঔষধ তৈরী কোরবেন তখন তোমাদের ইনজেক্‌শন দেওয়া হবে—না ঔষধ ঔষধ খাওয়ানো হবে—আমরা বোসে বিবেচনা কোরবো। এই প্রকারে যে আশ্বাস একে বাংলার কৃষক-সমাজের প্রতি বর্তমান মন্ত্রী-মণ্ডলীর স্তোক বাক্য ছাড়া আর কি বলা যেতে পারে? কিন্তু আমরা জানি তাঁরা কৃষকদের এক দিকে দিচ্ছেন ধাপ্পা, অন্য দিক দিয়ে বাংলা গভর্ণমেণ্টের Home Minister তাঁর অব্যাহত শাসন দণ্ডের আঘাত পরিচালনায় বাংলাদেশে কৃষকদের সত্য পথে যারা চালিত কোরছে, তাদের স্বার্থ সংরক্ষণে যারা সচেষ্ট সেই সকল কৃষক কর্মীদের দেওয়া হোচ্চে বাধা, ফলে জেলা থেকে একে একে কৃষক কর্মীদের গ্রেপ্তার আর অপসারণের ফলে বাংলাদেশের জেলায় জেলায় এমন অবস্থার সৃষ্টি হোয়েছে যে সাম্প্রদায়িক ঐক্যের দিক থেকে কৃষকদের বোঝানোই চলে না—তুমি বর্ণহিন্দু বা scheduled caste আর আমি যদিও মুসলমান,—তবু আমাদের শ্রেণীস্বার্থ এক। সকল সম্প্রদায়ের কৃষকদের মধ্যেই যে শ্রেণীস্বার্থের একটা ঐক্য রোয়েছে, একথা আজকার দিনে বাংলাদেশে বলাই চলে না।

ফ্লাউড্ কমিশনের রিপোর্ট আগা গোড়া পাঠ কোরলে দেখা যায় যে কৃষকদের উন্নতির চিন্তা কমিশনের আদৌ ছিলো না। আজকে কৃষকদের কাছে সমস্যা উঠেছে,—জমিদারী প্রথার উচ্ছেদ, কিন্তু এ সম্বন্ধে কমিশনের সুপারিশ হোচ্চে—জমিদারী

প্রথার উচ্ছেদ সাধন কোরে—যেমন সব খাস মহল গভর্ণমেণ্টের আছে সেই রকম অবস্থায় ফিরে যেতে। কিন্তু ফ্লাউড্ কমিশনের এই যে recommendation সে সম্বন্ধে যদি বাংলার যে কোন সাধারণ কৃষক প্রজাকেও জিজ্ঞাসা করা যায়—তুমি কি চাও, জমিদারী প্রথার বিনিময়ে গভর্ণমেণ্টের খাস মহল? তাহলে আমি নিশ্চিতরূপে জানি—সে উত্তর কোরবে—কখনই নয়। আজ তাই দেখ্‌তে পাচ্ছি—বহুস্থানের প্রজাদের মনে ভয়ঙ্কর একটা আতঙ্ক জন্মেছে—একটা আকাঙ্ক্ষা জেগেছে—এই ফ্লাউড্ কমিশনের কার্য্য-কলাপ সম্বন্ধে,—যে তাদের বুঝি জমিদারী শাসনের আওতা থেকে গভর্ণমেণ্টের খাস মহলী শাসনাধীনে আনবার আয়োজন চোলেছে। এরূপ খবর আমরা বহু স্থান থেকেই পাচ্ছি। (A member of the Coalition party: Question.) আপনি হয় তো জানেন না কিন্তু আমার সঙ্গে সঙ্গে আরো অনেকে এই সংবাদ ভালো রকমই জানেন। আজ বাংলার কৃষক সমাজের মধ্যে যে বিপ্লবের শিখা জ্বোলে উঠেছে—সে সম্বন্ধে question করবার কারো অধিকার নেই এ আমি গর্ব্বের সঙ্গে বোল্‌তে পারি—বাংলার কৃষকদের ভিতর সে সম্ভাবনা দেখা দিয়েছে। তাছাড়া এই ফ্লাউড্ কমিশনের দ্বারা আজ বাংলার কৃষক ও জমিদারদের অতি অদ্ভুতভাবে এক দিকে নিয়ে আস্‌ছে। জমিদার তার স্বার্থের দিক থেকে বোলছেন যে জমিদারী প্রথার উচ্ছেদ চাই না, কৃষক গভর্ণমেণ্টের খাসমহলের আশঙ্কায় বোল্‌ছে জমিদারী প্রথাই আপাততঃ আমাদের ভালো। এই যে অবস্থা আপনারা দেখ্‌ছেন—এ সম্বন্ধে কৃষক চেয়েছে কি? কৃষক চেয়েছে—এই প্রকারের খাজনা প্রথার হাত থেকে বাঁচতে। Revenue বা rent এর নামে পরিমাণের চেয়েও বেশী কৃষকদের কাছ থেকে নেওয়া হয়। অথচ সমস্ত কমিশনের ভিতর আমি দেখেছি—এক খান বাহাদুর সৈয়দ মোয়াজ্জেম হোসেন সাহেব ছাড়া কারো বলবার সাহস নেই যে জমিদারবা যথেষ্ট ক্ষতি কোরেছে কৃষকদের; ক্ষতিপূরণ যদি দিতেই হয়—তাহলে জমিদারদের না দিয়ে—বরং তাদের কাছ থেকে বাংলার কৃষকেরা পেতে পারে। অথচ আপনারা আজকে এই কমিশনের প্রশংসার এত জোর দিচ্ছেন। সমস্ত কমিশনের ভিতর দেখেছি—কৃষকদের স্বার্থের কথা, তাদের দুঃখ-দুর্দ্দশা দূর করবার কথা, তাদের খাজনা কম করার কথা মোটেই নাই। কৃষকদের টাকা যে তাঁদেরি ট্যাকে ফিরে যাবে—সে রকম সুপারিসের কোন উল্লেখ কমিশনের রিপোর্টে তন্ন তন্ন কোরে খুজেও পাওয়া যাবে না। প্রজাদের কাছ থেকে খাজনা আদায় কোরে যে লাভটা এতদিন জমিদার ভোগ কোরে আস্‌ছিলেন সেই টাকা গভর্ণমেণ্টের তহবিলে যাবে—কমিশনের এই হোচ্চে recommendation অর্থাৎ প্রজাদের কাছ থেকে যেটা আদায়ের পরিমাণ সেটা বহালই থাক, তবে টাকাটা যদি জমিদারের হাতে না থাকে তবে যেন গভর্ণমেণ্টের হাতেই যায়। অতএব চারদিক থেকেই দৃষ্টি দিয়ে দেখা যাচ্ছে যে ফ্লাউড্ কমিশনের চিন্তাধারা হোচ্চে—কৃষকদের বাঁচানো নয়,—তাদের দেয় খাজনায় যে একটা শ্রেণী বিরাট টাকা লাভ কোর্‌ছে সেইটে তারা ভোগ না কোরে আর কেউ ভোগ করুক। কমিশনের চিন্তা যদি এই পথে না চলে অন্য পথে চোল্‌তো তাহলে তাদের রিপোর্টে আমরা rent অন্ততঃপক্ষে অর্দ্ধেক কমিয়ে দেবার সুপারিশ দেখ্‌তে পেতাম। এ অবস্থায় compensation এর কথা উঠ্‌তেই পারে না। 20 times যে জমিদাররা চান তাহলে জমিদাররা যা মনে করে legitimate right তার অর্দ্ধেক দিতো।

আজ জোতদার শ্রেণীর মধ্য থেকে সদিচ্ছা প্রকাশ করা হচ্ছে—কারণ মধ্যস্বত্বভোগী যারা আছে কৃষক তাঁদের তারা উচ্ছেদ কোরতে চায়নি, তার চেয়ে বেশীদূর কমিশন অগ্রসর হয়নি। যেখানে বাংলায় দেখতে পাচ্ছি—দিনের পর দিন কৃষককুল জমিহারা হোয়ে, খোরাকহীন হোয়ে ভাগ চাষীতে, বর্গা চাষীতে পরিণত হোচ্চে—সুখের বিষয় ১৯৩১ সনের পরের সেন্সাস পাওয়া যায় না,—যদি পাওয়া যেতো তাহলে দেখতে পাওয়া যেতো যে কৃষকদের কি বিরাট একটা অংশ জমিখোরাকহীন হোয়ে বর্গা প্রজায় পরিণত হোয়েছে। কমিশন তাদের সম্বন্ধে যে half produce দেওয়ার জায়গায় $\frac{১}{৩}$ দেওয়ার যে ব্যবস্থা সেটাকেই ভিত্তি কোরে পরে গভর্ণমেণ্ট $\frac{১}{৩}$ অংশ নিতে থাকবেন। সুতরাং সমস্ত জিনিষের উপর চিন্তাধারা চোলেছে—গভর্ণমেণ্টের রেভিনিউ কিসে বাড়ে। আর এতটুকু চিন্তাও নেই যে কৃষক বাঁচে কি কোরে। কৃষকের দুঃখ দূর হবে কি কোরে—সে চিন্তার বাষ্পও এর ভিতর নেই। বাংলার কৃষককে যদি সমস্ত খাজনা থেকে মকুব করা যায় তাহলেও সে বাঁচতে পারে না, এদের বক্তব্য হোচ্চে সমস্ত বাংলার ফসলের মোট মূল্য হোচ্চে ১৪৩ কোটি টাকা। অথচ তাঁরা যে দাম ধোরেছেন সে দাম হোচ্চে [illegible] ডকে চালান দেবার সময় যে বাজার দর সেইটে, যদি বাংলার গ্রামের হাটের দর ধরা হয় তাহলে ঐ ১৪৩ কোটি কোমে অন্ততঃ ৯০ কোটি টাকায় দাঁড়াবে। তার উপর অন্যান্য খরচপত্র ৭০।৭৫ কোটি টাকার বেশী হয় না। Dr. Banerjee জেনে রাখবেন পাঁচ দিয়ে ভাগ কোরলে ৭৫কে, ১৫ টাকার বেশী বাংলার কৃষকের গড়ে আয় হয় না। ফ্লাউড্ কমিশনের সংগৃহীত বাংলার সমস্ত প্রকার শস্যের যে মূল্য ধরা হোয়েছে সেটা থেকে যদি গ্রামের হাটের দর ধরা যায় তাহলে যে টাকাটা দাঁড়ায় তায় বাংলার কৃষক-সমাজ বেঁচে থাকতে পারে না, তারা জীবনযাত্রা চালাতে পারে না। চালাতে পারে না বোলেই আজ প্রয়োজন হোয়েছে বাংলার সমাজের আমূল পরিবর্ত্তনের। এবং সে পরিবর্ত্তন আসতে পারে না কোন Act অনুসারে। সে পরিবর্ত্তন আসতে পারে একমাত্র সমাজ বিপ্লবের ভিতর দিয়ে। আর সেই বিপ্লবকে ঠেকাবার জন্য যত বড় ফ্লাউড্ কমিশন বা অন্য যে কোন কমিশনই আসুক না কেন তাকে ঠেকাতে পারবে না। এই সঙ্গে আর একটা বিষয়েও আমাদের কারো মনে কোন সন্দেহ রাখলে আমরা বর্ত্তমানের সমস্যাটা ঠিক মত বুঝে উঠবো না সেটা হোচ্চে এই যে বিপ্লবের মধ্য দিয়ে চিরস্থায়ী বন্দোবস্ত, জমিদারী প্রথা এই সমস্ত জিনিষের উচ্ছেদের সঙ্গে সঙ্গে বৃটিশ সাম্রাজ্যবাদের উচ্ছেদ ব্যতীত সমস্ত বাংলার সুখ সুবিধা হোতে পারে না। যদি Permanent Settlement তুলে দেওয়াও হয় এবং সঙ্গে সঙ্গেই যদি শিল্পবাণিজ্যের অবাধ প্রসারের দ্বারা বাংলার মোট জনসংখ্যার অর্দ্ধেক ২॥ কোটি লোককে শিল্পাদি কার্য্যে নিযুক্ত না করা যায় তাহলেই কেবল নিরুপায় কৃষককুলের বেঁচে থাকা সম্ভব হবে। অন্যথায় যদি আবার একটা ৭৬এর মনন্তর ভগবানের কৃপায় বাংলার বুকে নেমে এসে বাংলার ৫ কোটি কৃষকের ২॥ কোটি উদ্ধার কোরে দেয়, তাহলেও এ সমস্যার সমাধান হোতে পারে। যেরূপেই হোক অর্দ্ধেক কৃষককে জমি থেকে সরিয়ে না আনলে বাকি অর্দ্ধেকের বাঁচবার অবসর হোতে পারে না। এখন শিল্প-বাণিজ্যের প্রচুর প্রতিষ্ঠা ও প্রসার দ্বারা ২॥ কোটি লোককে জমি থেকে ছাড়িয়ে

একে otherwise employ কোরতে গেলে সাম্রাজ্যবাদের vested interestএর সঙ্গে সংঘর্ষ অনিবার্য্য। আছে সে সাহস—কোয়ালিশন পার্টির বা তাদের দ্বারা পরিচালিত মন্ত্রী মণ্ডলীর? কৃষককে বিপ্লবের পথে আন্‌লেই আস্‌তে পারবে সমস্ত বাংলার ও ভারতের রাজনৈতিক বিপ্লব। আছে সে সাহস? সেটা করার কথা তুল্লেই সকলে শান্ত হোয়ে যান, মূক হোয়ে যান। আজও এ দেশের কৃষকের অজ্ঞতার অন্ত নেই, তাই আজও তারা এই উপেক্ষা সহ্য কোরছে, তাই আজও সাম্প্রদায়িকতার ধূয়া তুলে তাদের পথভ্রষ্ট কোরে রাখা সম্ভব, কিন্তু শ্রেণীস্বার্থবোধ তাদের সাম্প্রদায়িক চেতনার উপরে উঠে এই সব ভ্রান্তি থেকে তাদের মুক্তি দেবে একমাত্র বিপ্লবের পথ। এবং সেই বিপ্লবের পথকে যদি জটিল, কঠিন ও মর্ম্মান্তিক কোরতে আপনারা না চান তাহলে reform বা সংস্কারকে গভর্ণমেণ্ট একটু দ্রুত এগিয়ে আনুন তাহলেই বিপ্লবের ঠিক মূর্ত্তি হবে। এর বেশী আপনারা আর বিশেষ কিছু কোরতে পারেন না। এই ফ্ল্যাউড কমিশনের রিপোর্টে যা আছে তাও যদি করা হয় তাহলেও কিছু কাজ হবে।

যে কম্পেন্‌সেসনের কথা উঠেছে সে টাকাটা অপব্যয় না হোয়ে যদি সেটা national reconstruction schemeএর ভিত্তিতে যদি ব্যয় হয় তাহলে সেটা profitable হবে। এবং তাদ্বারা বাঙালী সমাজের প্রভূত উন্নতিও হবে। যদি জমিদারদের, মধ্যস্বত্বদের ক্ষতিপূরণের প্রয়োজন অনুভব হোয়ে থাকে তাহলে সেই যে লাভ হবে সেই লাভের অংশ থেকে কিছু দিতে পারেন।

আজ আমাদের আদর্শ হোয়েছে কি না বেহারে C. P.তে এবং U. P. প্রভৃতি প্রদেশে যে land revenue system প্রবর্ত্তনের ফলে এবং যেরূপ জমির ব্যবস্থার দরুণ সেখান কার হাজার হাজার কৃষক জমি থেকে উচ্ছেদ হোয়ে ফিজি এবং আরাকান প্রভৃতি দ্বীপে চোলে গেছে। বহু গবেষণার পর আজ আমরা সিদ্ধান্ত কোরছি যে চিরস্থায়ী বন্দোবস্ত তুলে দিয়ে আমাদের কপি কোরতে হবে সেই রায়পুরার ব্যবস্থার, বেহারের ব্যবস্থার!! Raiyatwari systemএর কপি করার মানে এখানকার জমিদারদের মাঝখান থেকে তুলে দিয়ে গভর্ণমেণ্ট নিজেই জমিদার হোয়ে বসুন। এই সমস্ত সামন্ততান্ত্রিক মধ্যযুগের idea—যে কেউ না কেউ ভূস্বামী থাকা প্রয়োজন,—এই ধারণাই সমস্ত সর্ব্বনাশের মূল। এই ধারণাকে আজ আমাদের মন থেকে সরিয়ে দিতে হবে। এই ধারণা আমাদের ইংরেজের সংস্পর্শ বশেই হোয়েছে। পৃথিবী থেকে, বৃটিশদের প্রাচীনপন্থী হিসাবে আজ যখন অপসারিত হবার অবস্থা এসে গিয়েছে, এ অবস্থাতেও আমরা তাদের সংস্পর্শে এসে তাদেরি অনুকরণ কোরে চোলেছি। তাই আজও মনে করি ভূমির কেউ না কেউ মালিক থাকুক। ভূমির মালিক হবে সেই, যে ভূমি চাস করে, ফসল উৎপাদনকারী যে, তারি ফসলে পূর্ণ অধিকার। এ হিসাবে ভূমি থেকে কোন রাজস্ব আদায় চোল্‌তে পারে না। শ্রমিকদের বা অন্য সকল আপামর জনসাধারণের কাছ থেকে যেমন ট্যাক্স আদায় হবে তেম্নিভাবে কৃষকদের উপর থেকেও ট্যাক্স আদায় হবে। ধনী এবং দরিদ্র নির্ব্বিশেষে সবার উপর সমান ভাবে taxation চোল্‌বে। সব জিনিষেই প্রয়োজন বুঝে সবার অবাধ অধিকার থাকবে। কেউ কৃষিকার্য্য, কেউ শ্রমিকের কার্য্য, কেউ পণ্ডিতের কার্য্য, কেউ বা মূর্খের কার্য্য কোরবেন। এ বিষয়ে

সবার সমান অধিকার চোলবে। এখন কথা উঠবে যে যদি জমির উপর কোন রকম rent না রাখা হয় তাহলে সবাই জমি চোষতে যাবে, আর জমি নিয়ে একটা ভীষণ রকমের কাড়াকাড়ি আরম্ভ হবে। আমি নিঃসংশয়ে বোলতে পারি যে তা হবে না। কারণ লোকে কৃষিকার্য্য কোরতে যায় কখন? যখন আর কোন কাজ না মেলে। আমরা অন্য কাজের পথে যদি প্রসার কোরতে পারি,—ব্যবসা বাণিজ্যের বিস্তার ও শিল্প সমবায় প্রভৃতির উন্নতির দ্বারা,—এবং এমন একটা স্কীম যদি draw করা যায় যে ৯৮ কোটি টাকা ধার নিয়ে সমস্ত বাংলার খাল বিল নদী-নালাগুলি সংস্কার কোরে ম্যালেরিয়া নিবারণ ও কৃষির উন্নতির ব্যবস্থা করা যায়, কচুরিপানা বিতাড়ণ, প্রশস্ত পথঘাট নির্ম্মাণের সঙ্গে সঙ্গে যদি অশিক্ষা দূর করার জন্য একটা বিরাট স্কীম আনা যায় এবং তার জন্য যদি প্রচুর টাকা ধার কোরে ব্যয় করা হয় তাহলে সে কাজের দ্বারা বাংলার সম্পদ ও শ্রীবৃদ্ধি হোতে পারে। তা থেকে যা লাভ হবে সেই লাভ থেকে যদি আপনারা প্রয়োজন মনে করেন,—আমি অন্ততঃ কোন প্রয়োজন মনে করি না,—জমিদারদের কিছু অংশ দিতে পারেন। তাঁরা এই সমস্ত কাজের ভিতর দিয়া নিজেদের সন্তান-সন্ততি প্রতিপালন করবার জন্য সুযোগ পাবেন—যদি আজ একটা বিরাট nation Planning Scheme হয়।

Dr. NALINAKSHA SANYAL: Sir, I move that the question be now put.

Mr. SPEAKER: Well, Dr Sanyal, the resolution has not been debated enough, I think.

Dr. NALINAKSHA SANYAL: One whole day has been devoted to this debate, Sir.

Mr. SPEAKER: Dr. Sanyal, you forget the Government side and that Government have got their views to give on this resolution.

Dr. NALINAKSHA SANYAL: Well, Sir, in that case let us hear the Hon'ble Revenue Minister for five minutes, although after the brilliant speech of the last speaker I do not think that Sir Bijoy will have much to say.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, Dr. Sanyal has been carried away by the eloquence of the last speaker but I have not been. I think I can still say something useful on the subject.

Mr. SPEAKER: Anyway as it is now 8 o'clock, I adjourn the House till Monday at 4-45 p.m.

Adjournment.

It being 8 p.m.—

The House was then adjourned till 4-45 p.m. on Monday, the 5th August, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 5th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 181 members.

Dacca Mail Disaster.

Mr. SPEAKER: Before we proceed with to-day's business, I must refer to the Dacca Mail disaster which occurred early this morning. The members of the Assembly must have been shocked to hear of the heavy death roll Seventeen persons, it is so far reported, were killed and about 70 injured. From all reports I am informed the actual number will be much higher, when full details will be available. Any case, it is indeed a calamity. As the representatives of the people of Bengal, we express our deep sense of condolence with the families of those who have been killed. We express our sympathy with those who have been injured in the accident. I hope, members will kindly rise in their seats as a token of their approval.

(All members rose in their seats.)

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, while on this subject, may I request the Hon'ble the Home Minister through you to take proper steps to see that the number of deaths is not minimized? I am coming from a portion of that place, and I have reason to believe that the number of deaths is much more.

Mr. CHARU CHANDRA ROY: Sir, in connection with this, I should like to submit a suggestion to Government. Will Government be pleased to make an enquiry as to why particularly the Dacca Mail is always involved in such disasters, especially in view of the fact that the Hon'ble Sir Nazimuddin is coming from Dacca?

Maulvi ABU HOSSAIN SARKAR: It has become a public nuisance.

STARRED QUESTION

(to which oral answer was given)

Communal ratio in the posts of Surgical Registrars in Calcutta Medical College Hospitals.

*106. **Mr. ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Health (Medical) Department be pleased to state—

(*i*) how many appointments in the posts of Medical and Surgical Registrars in the Medical College Hospitals, Calcutta, have been made in the year 1939-40, from—

(1) the outsiders, and

(2) the College Department;

(*ii*) how many of them are—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims?

(*b*) Has the communal ratio been maintained in respect of those appointments?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Will the Hon'ble Minister be pleased to state the number of applicants for the posts from—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims?

MINISTER in charge of the PUBLIC HEALTH DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) There were altogether five appointments made in 1939-40. Two of them, one Caste Hindu and one Muslim, were appointed by Government on the recommendation of the Public Service Commission. The other three were merely temporary men appointed by the Principal to carry on the work pending appointments made by Government in the usual manner. Of these five, two were recruited from outside and three were also attached to the College Hospitals. Four, including the three temporary men appointed by the Principal, were Caste Hindus and one, appointed by Government, was a Muslim.

(*b*) and (*c*) No. As these vacancies accrued suddenly and arrangements had to be made immediately, the communal proportion could not be secured in respect of the three temporary appointments made by the Principal. The Principal has been asked to see that the communal proportion is maintained even in respect of temporary arrangements. tion is maintained even in respect of temporary arrangements.

(*d*) The number of applications in response to advertisements issued during the year was as follows:—

Caste Hindus—15.

Scheduled Castes—2.

Muslims—16.

A Scheduled Caste candidate has since been appointed after issue of advertisement for the second time. The Public Service Commission has also been asked to re-advertise two posts of Surgical Registrars reserved for Muslims, as in the opinion of the Commission none of the Muslim candidates who applied on the first occasion was qualified for the post.

Mr. ATUL CHANDRA SEN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if suitable Muslim candidates be not available in Bengal whether attempts will be made to import them from outside Bengal in accordance with the policy recently laid down by Government?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: May I submit, Sir, that it does arise from answer (*d*)?

Mr. SPEAKER: I have already said that it does not arise.

Death of Rai Sahib Indu Bhusan Sarker, M.L.C.

Dr. NALINAKSHA SANYAL: Sir, I have just returned from the Sealdah Station and I am sorry I have to convey the grim news of the death of one of the M.L.Cs., viz., Rai Sahib Indu Bhusan Sarker. I have seen the dead body myself, and his son identified the body.

Mr. JOGESH CHANDRA GUPTA: Sir, we have received telegrams from Dacca making anxious enquiries regarding the safety of certain persons who have come. I do not know if the Government can

afford, but I feel that some of us ought to go there and give information as soon as possible. One of the telegrams from the Dacca Bar reads as follows:—

"Wire safe arrival Fazlur Rahman, Profulla Das Gupta, Priyanath Sen".

I find that Priyanath Sen of Gandaria is one among the casualty list. Profulla Das Gupta is I am told one of the injured. Now, it is necessary that some of us who got these telegrams ought to go.

The Hon'ble Khwaja Sir NAZIMUDDIN: Rai Sahib Indu Bhusan Sarker being one of the sitting members of the Legislative Council, don't you think, Sir, that we ought to adjourn?

Mr. SPEAKER: Now, or after the question time?

Dr. NALINAKSHA SANYAL: Immediately, Sir.

Mr. SPEAKER: Yes.

Adjournment.

It being 4-55 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 6th August, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 6th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 210 members.

Oath or Affirmation.

The following member made his affirmation of allegiance to the Crown:—

Mr. Jnanendra Chandra Mazumdar (Mymensingh East).

STARRED QUESTIONS

(to which oral answers were given)

Khaksar movement in Bengal.

*107. **Mr. ATUL CHANDRA SEN:** (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to a circular issued by Syed Habibul Huq Choudhury, a zemindar and Honorary Magistrate of Kishoreganj, Mymensingh, warning people against the menace of Khaksar movement growing in Bengal?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the movement is gradually making headway in Calcutta and some districts in East and North Bengal; and

(*ii*) that in responsible quarters it is believed that the movement is being encouraged and financed by the Nazis?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of taking immediate steps to stamp out the Khaksar movement from Bengal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No such circular has been issued by the gentleman concerned.

(*b*) (*i*) Government are not aware that this is so.

(*ii*) The information in possession of Government does not support this theory.

(*c*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that there is an apprehension in the minds of several responsible Hindus and Musalmans of this province that if the Khaksar movement is allowed to continue, it is likely to cause a breach of internal peace in the country?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of that.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state that the Khaksars have not so long violated any law of the land in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, that is the position.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to revise his statement if I send him a copy of the circular issued by some Muhammadan zemindars?

The Hon'ble Khwaja Sir NAZIMUDDIN: Of that name.

Mr. ATUL CHANDRA SEN: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, if you can; it has not come to our notice.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that there is a section of people in Bengal who are leaving no stone unturned to vilify and——

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Are you a Khaksar?

Mr. MIRZA ABDUL HAFIZ: No.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether Government is in possession of the aims and objects of this organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have seen the aims and objects as are stated in their literature that have been circulated by them. Social service is the main theme irrespective of caste or community.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the attention of Government has been drawn to the India Government circular which has been published in to-day's paper?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*) (*ii*), have Government any information as to how the movement is being financed?

Mr. SPEAKER: That question does not arise. Your question must arise out of the original question.

Mr. ATUL CHANDRA SEN: I beg to submit, Sir, that it does arise.

Mr. SPEAKER: No, it does not. The question of financing does not arise out of that.

Promotion of "Dyeing and Painting Industry" in Chittagong.

*108. **Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what new industrial enterprises have been undertaken by the Government of Bengal in the district of Chittagong?

(*b*) Is the Hon'ble Minister considering the desirability of promoting the "Dyeing and Painting Industry" of Muslim Banik Karmachari Samity of Baxir Hat, Badarpati Road, Chittagong?

(*c*) Is the Hon'ble Minister aware that they are already in correspondence with the Director of Industries (Bengal) for supplying them with trained men and up-to-date machineries?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The department has been trying to foster the development of industries in the district in various ways. It maintains a District Weaving School at Zorwarganj at a cost of Rs. 3,200. Besides, the department gives substantial grants-in-aid to ten industrial institutions in the district.

A pottery demonstration party has been working at Chittagong as a result of which some prominent local gentlemen are contemplating the establishment of a pottery factory as a private enterprise. Under the advice of the Director of Industries, a cotton mill in the name of "National Cotton Mills, Limited" is about to be started at Chittagong. There is also a scheme under consideration of Government for the establishment of a leather trade school at Chittagong in order to teach people the art of manufacturing half-tanned hides in which Madras does a large volume of export business.

(*b*) and (*c*) It does not appear that any application or other communication has been received either by Government or by the Director of Industries from the Muslim Banik Karmachari Samiti for any assistance for the promotion of their Dyeing and Painting Industry.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state when was this District School of Zorwarganj started?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice as to the details.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how many rules there are at present in the school?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how many students in course of this year have come out of this school trained?

The Hon'ble Mr. TAMIZUDDIN KHAN: For these details, Sir, I want notice.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether the school is running at present at a loss or at a profit?

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot speak about loss or profit, but the school is being very efficiently run, and it is doing great good to the locality.

Dr. SURESH CHANDRA BANERJEE: Is the school being run by Government direct or by some private agency?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is not run directly by Government.

Dr. SURESH CHANDRA BANERJEE: Does the Hon'ble Minister keep any information whether out of the fund that is being contributed every year by the local managing committee the school makes a decent profit or not?

The Hon'ble Mr. TAMIZUDDIN KHAN: Certainly not.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what help in the district of Chittagong has Government made up till now towards the various branches of the All-India Spinners' Association which engages itself in the manufacture of *khaddar* in the district?

Mr. SPEAKER: That question does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what is the number of boys studying in the school?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not the question, Sir, that was asked. For all these details I want notice.

Failure of crops due to flood in some parts of Khulna.

*109. **Mr. ABDUL HAKEEM:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there were repeated floods in the Dacope and Paikgacha thanas of the Khulna district;

(*ii*) that there has been total failure of crops in the whole of the Tildanga Sutarkhali Unions of Dacope thana and of the Soladana, Lata and Amadi Unions of the Paikgacha thana;

(*iii*) that there has been partial failure of crops in the Unions, viz., Kamarkhola of Dacope police-station, and Deluti, Gadaipur, Laskar, Garaikhali, Chandkhali, Begali and Maharajpur Unions of Paikgacha police-station; and

(*iv*) that the cultivators of these affected places are in distress?

(*b*) Has the Hon'ble Minister received any representation from any member of the District Board, Khulna, and also from the President, Amadi Union Board, praying for—

(1) gratuitous relief; and

(2) test relief works for the people of the places?

(*c*) If so, what steps, if any, does he propose to take in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) There was no flood in the two thanas in 1938-39. During 1939-40 owing to the rise of the river level and strong easterly winds the embankments were breached resulting in a saline inundation.

(*ii*) and (*iii*) There was a partial failure of crops in these areas.

(*iv*) Some distress was reported in the affected areas.

(*b*) Yes.

(*c*) The District Board arranged to have some road works done in police-station Paikgacha through the local Presidents at the test works rate. The labourers are now finding employment in fields owing to early setting in of the monsoon and there is no necessity to start test works. A sum of Rs.20,700 has been distributed as agricultural loans in the two thanas to ease the situation and further amounts will be distributed, if necessary.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what was the total number of people affected by the floods and what was the per capita help received in that area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The total number of people affected were 4,500.

Mr. SIBNATH BANERJEE: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether there was a rise of the river level in 1938-39?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have made it very clear here that there was a rise of the river level in 1939-40. This rise of the river level and strong easterly winds were the causes of the breach of the embankments. Rise of the river level does not always mean flood.

Mr. SIBNATH BANERJEE: Sir, my question is whether there was any flood in 1939-40, for the Hon'ble Minister in his answer says:—

"There was no flood in the two thanas. During 1939-40, owing to the rise of the river level and strong easterly winds, the embankments were breached resulting in a saline inundation."

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. ATUL KRISHNA GHOSE: In view of the reply given by the Hon'ble Minister that the total number of people affected are about 4,000 and a sum of Rs. 20,700 has been distributed as agricultural loan, are we to understand that the agricultural loan sanctioned was on an average of five rupees per capita?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Rs. 20,700 has already been distributed as agricultural loans and more money will be distributed, if necessary.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what has been the rate of wages for those employed in test works and how much has been paid to each worker?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of increasing the loan at least to the extent of Rs. 10 per capita?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have made it clear that money is distributed according to necessity, and it is not always an act of kindness to the agriculturists to give them as much loan as they may like to have. It is not a good policy to help the agriculturists with the maximum loan.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many hours these workers are made to work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Want of ladies' waiting room at Rainagar station in Bankura-Damodar River Railway.

***110. Mr. ADWAITA KUMAR MAJI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is no ladies' waiting room at Rainagar railway station on the Bankura-Damodar River Railway; and

(*ii*) that a large number of women passengers passes through that station?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of drawing the attention of the Railway authority in the matter?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) There is a passenger shed but no enclosed ladies' waiting room.

(*ii*) I am informed by the Railway authorities that ordinarily the number of female passengers entraining and detraining at this station is very small except during the *mela*.

(*b*) In view of what I have said in reply to (*a*) (*ii*), I do not think that I should be justified in urging the Railway Company to provide the accommodation suggested. The Company, I understand, have received no complaints.

Mr. SURENDRA NATH BISWAS: In view of the fact that the female passengers who use the station throughout the year—although their number is small—suffer a great deal during the rains because they have to stand under the open sky, will the Hon'ble Minister be pleased to move the Railway authorities to have some enclosed shelter there for the use of the female passengers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, the attention of the Railway authorities was drawn to this when we got the notice to this quesion, and they have informed us, as I have stated in my reply, that the number of female passengers would not justify in their having a separate shed for the female passengers.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether in consideration of the fact that I have already mentioned, he would consider the desirability of moving the Railway authorities to provide a shelter there for female passengers?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid, I would not be justified in accepting the proposition, as no complaints have been made either to the Railway or to us.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether we shall take it from the answer just now given that if complaints are put in, then alone the Hon'ble Minister would move the Railway authorities?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, this is a matter concerning Government of India and moving this Government would be of no avail. I would advise the people of the locality to move the Railway authorities.

Mr. SURENDRA NATH BISWAS: Sir, what is the bar against the Hon'ble Minister moving the Railway authorities to provide an accommodation?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, their attention has already been drawn to the matter.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if it is a fact that these *Basanta Chandi Melas* are held twice a week?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not aware of it.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister consider the desirability of enquiring whether the *Basanta Chandi Melas* are held there twice a week?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly, I can do that.

Publication of names of scholarship-holders.

*111. **Mr. MD. ABUL FAZL:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the delay of one year in publishing the names of scholarship-holders of the University Examinations in 1938 and 1939, has caused considerable hardship to many scholars?

(*b*) What steps do the Government intend to take in future for the publication of the names of the scholarship-holders soon after the publication of the results of the various University Examinations?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The Director of Public Instruction, Bengal, has been requested to see that the lists of scholarship-holders are published as soon as possible.

Secondary Education Bill.

*112. **Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Education Department be pleased to state when the Government contemplate introduction of the Bengal Secondary Education Bill in the Assembly.

The Hon'ble Mr. A. K. FAZLUL HUQ: In the current session of the Assembly.

Communal ratio of contractors engaged in sinking tube wells in the province.

***113. Mr. MIRZA ABDUL HAFIZ:** Will the Hon'ble Minister in charge of the Public Health Department be pleased to lay on the table a statement showing, district by district, for the year ending the 31st March, 1940—

(*i*) the number of—

(1) ferro-concrete wells,

(2) masonry wells, and

(3) tube wells

sunk by Government in the province; and

(*ii*) the number of contractors engaged in sinking them, who were—

(1) Hindus,

(2) Muslims, and

(3) others?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): A statement is laid on the table.

Statement referred to in the reply to starred question No. 113.

District.	Number of wells.			Number of contractors engaged.		
	F. C., concrete or concrete ring wells.	Masonry wells.	Tube wells.	Hindus.	Muslims.	Others.
1. Burdwan ..	4	53	132	56	8	1
2. Birbhum ..	76	21	29	27	5	..
3. Bankura ..	(a)42	(a)147	(a)9	91	3	..
4. Midnapore ..	25	31	105	21	[illegible]	..

(a) 80 projects were undertaken in 1938-39 and completed in 1939-40.

District.	Number of wells.			Number of contractors engaged.		
	F. C., concrete or concrete ring wells.	Masonry wells.	Tube wells.	Hindus.	Muslims.	Others.
5. Hooghly ..	3	..	77	22	5	..
6. Howrah ..	7	.	51	11	..	..
7. 24-Parganas ..	..	..	132	24	9	1
8. Nadia ..	..	..	147	13	6	..
9. Murshidabad ..	.	76	144	17	3	..
10. Jessore .	.	..	193	16	10	..
11. Khulna ..	..	.	72	27	8	..
12. Dacca ..	45	..	130	(a)17	3	.
13. Mymensingh	63	1	608	50	14	1
14. Faridpur .	..	.	356	(b)1	.	.
15. Bakarganj .	..	..	46	7	1	..
16. Chittagong ..	50	.	48	5	13	1
17. Tippera ..	..	.	308	21	17	..
18. Noakhali .	..	..	202	6	5	.
19. Rajshahi ..	11	..	117	9	7	..
20. Dinajpur ..	13	..	224	11	6	..
21. Jalpaiguri ..	194	.	.	47	5	..
22. Rangpur .	9	19	257	16	20	..
23. Bogra ..	..	..	190	11	19	8
24. Pabna ..	2	47	107	9	4	..
25. Malda ..	6	28	77	11	18	.
26. Darjeeling ..	..	..	..	..	..	..

(a) Includes Scheduled Castes.

(b) 93 tube wells were allotted to 1 Hindu contractor and the rest to union boards.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state if we are to understand from the statement that except in the district of Dacca, there is no Scheduled Castes contractor in any other district?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state how many contracts were given to Muslim contractors and how many to Hindu contractors?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is too broad a question. I ask for notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Hindu and Muslim Sub-Inspectors of Police.

58. Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, district by district and year by year, for the last five years—

(*i*) the total number of Muslim Sub-Inspectors of Police;

(*ii*) the total number of Hindu Sub-Inspectors of Police who have been dismissed;

(*iii*) the total number of promotions of the—

(1) Muslim Sub-Inspectors, and

(2) Hindu Sub-Inspectors of Police

to the rank of the Inspector of Police in each district;

(*iv*) the total number of promotions and dismissals of—

(1) Hindu, and

(2) Muslim

Assistant Sub-Inspectors of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the library table.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the reasons for the remarkable decrease in the number of Muslim Sub-Inspectors during the last five years in the whole cadre?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that this question does not arise as only statistics were asked for and they have been given.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the reasons for the extremely disproportionate promotion of the Hindu and Muslim Sub-Inspectors to the rank of Inspectors?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, my objection is the same.

Mr. SPEAKER: But the question also refers to the total number of promotions to the rank of Inspectors.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as promotions are concerned, they will naturally be on the basis of the strength of the cadre and the proportion between the two comes to 4 : 1 and 3 : 1. Naturally the promotion will be on that ratio assuming that the representatives of the two communities are equal in merit and seniority.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the reasons for the disproportionate number of dismissals between the Hindu and Muslim Assistant Sub-Inspectors during the last 5 years?

Mr. SPEAKER: That question does not arise.

Mr. ABDUL WAHAB KHAN: With reference to the answer just now given by the Hon'ble Minister, will he consider the desirability of direct recruitment of Assistant Sub-Inspectors to make up the quota in the rank of Assistant Sub-Inspectors and subsequently in the rank of Sub-Inspectors?

Mr. SPEAKER: That question does not arise.

Progress of Irrigation Department in Chittagong.

59. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing for the Chittagong district from the year 1937 up till now—

(*i*) the work that has been done by the Irrigation Department; and

(*ii*) the amount that has been spent for the purpose?

(*b*) Will the Hon'ble Minister be pleased to state the future programme of work in the district in this connection?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) No schemes were executed by the Irrigation Branch of the Communications and Works Department during the period. Schemes costing about Rs.17,000 were however executed and financed partly from the Government of India's first and second grants for minor drainage and flushing schemes and for the improvement of village communications including existing waterways. A list of these has been placed in the Library.

(*b*) Two schemes for the provision of *rabi* irrigation from the Hangor *khal* and the Dhurang river are under preparation, and also a drainage scheme for the improvement of the Selonia *khal* in police-station Phatikchari.

The following small projects have been prepared and it is proposed to execute them during the current year under the decentralisation scheme provided that the District Board agree to bear one-third of the initial cost and meet maintenance charges:—

		Rs.
(1) Improvement of the Krishnakhali *khal* in police-station Patiya	...	3,750
(2) Re-excavation of the Sandandi *khal*	...	3,381
(3) Widening and deepening the Ichakhali *khal*	...	1,768

The District Board will in due course be consulted about a few other small projects which are ready and which seem to be suitable for execution under the decentralisation scheme.

Selection of students for admission into the Medical College, Calcutta.

60. Dr. NALINAKSHYA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) what are the principles, if any, followed in the selection of candidates for admission into the Calcutta Medical College as students;

(*ii*) who were the persons entrusted with the selection of such candidates during the current year;

(*iii*) what are their respective qualifications;

(*iv*) the names of the candidates selected for admission in June, 1940;

(*v*) their academic qualifications;

(*vi*) total marks obtained by each of them in the last University Examination;

(*vii*) subjects offered in the last University Examination;

(*viii*) the districts to which each of them belongs; and

(*ix*) the names of the applicants who were not selected although they had secured better marks in the last University Examinations than the selected candidates belonging to the same community and lower in the order of merit?

(*b*) What steps have the Government taken to ensure that more meritorious candidates may not be superseded by less meritorious students on considerations other than adequate representation of different communities?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Candidates are selected by a Selection Committee appointed by Government. The minimum preliminary qualification for admission is a first division pass certificate of the I.Sc. Examination of the Calcutta University or an examination recognised as equivalent to it with Physics, Chemistry and Mathematics and also with Biology from the current year. This condition of a first division certificate may be relaxed to fill up the quota reserved for Muslims and Scheduled Castes and also the five seats to which the Surgeon-General, Bengal, is authorised to nominate. For special reasons the rule may also be relaxed by Government.

(*ii*) and (*iii*) A statement is laid on the Library table.

(*iv*) to (*ix*) A statement is laid on the Library table.

(*b*) Government do not propose to interfere with the discretion of the Selection Committee, as, besides merit, there are other considerations, e.g., of health, financial condition of the candidate's family, etc., which the Committee have to take into consideration in selecting candidates.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*) (*i*), namely, candidates are selected by a Selection Committee appointed by Government, may I enquire what are the qualifications on the basis of which the selection of the Selection Committee has been made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: With reference to (*a*) (*i*) that the minimum preliminary qualification for admission is a first division pass certificate of the I.Sc. Examination of the Calcutta University, may I enquire whether this minimum qualification has been relaxed by Government in case of Hindu candidates?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In some cases.

Dr. NALINAKSHA SANYAL: May I enquire the reasons why?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say the reasons offhand. If I have notice I can supply the information.

Dr. NALINAKSHA SANYAL: With reference to the selection of Muslim candidates, will the Hon'ble Minister be pleased to state whether strictly speaking within the Muslim community no other consideration but merit has been followed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as possible, I think, it was followed.

Dr. NALINAKSHA SANYAL: If that is so, will the Hon'ble Minister be pleased to state the reason why a Muslim candidate, namely, Saiyed Reza Haider who secured 457 marks was not selected, although another Muslim candidate named Md. Sarkhat Ali who secured a total mark of 392 was selected?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I would ask the honourable member to read the answer given in (*b*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the selection of these candidates the financial condition of the candidates as mentioned here was enquired into, and, if so, at what stage and by whom?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That was enquired into by the Selection Committee and I cannot say at what stage.

Dr. NALINAKSHA SANYAL: May I enquire if it is a fact that the financial condition of the candidates' families was not enquired into in a number of cases?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In the first place, these are matters for the Selection Committee, but if the member has got any specific charge, I shall be prepared to enquire into that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the financial ability of the candidate to convince the members of the Selection Committee is one consideration?

Mr. SPEAKER: Will you repeat the question?

Dr. NALINAKSHA SANYAL: I have asked if the financial ability of the candidate——

Mr. SPEAKER: I am sorry I shall have to disallow supplementary questions if the right of putting them is used for the purpose of accusation or allegation. In this case you are making an allegation.

Dr. NALINAKSHA SANYAL: I have first asked the question as to when and at what stage this enquiry into the financial condition of the candidate was made, to which the Hon'ble Minister replied that he did not know the details which he had got to enquire. He also said that if specific cases were brought to his notice, he would enquire into that. Thereafter, I asked if the financial ability of a candidate to convince the members of the Selection Committee is a consideration for selection.

Mr. SPEAKER: I am sorry, if this sort of abuse is made of the right of putting questions I will have to consider whether I shall allow these supplementary questions or not.

(Mr. Speaker then called the next question.)

Dr. NALINAKSHA SANYAL: I have another important question to ask.

Mr. SPEAKER: When I saw you have degenerated to that position, I called for the next question.

Dr. NALINAKSHA SANYAL: I was all along on my legs.

Mr. SPEAKER: You are perpetually on your legs. I am sorry I have called the next question.

Dr. NALINAKSHA SANYAL: This is a very important matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. After what you have said the honourable member, I think, has not the right to put any supplementary questions.

Omission of all references to "Black-hole" tragedy from text-books.

61. Maulvi ABDUL LATIF BISWAS: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that several meetings were held on the 3rd July, 1940, all over Bengal in memory of the late Nawab Sirajuddowla;

(*ii*) that resolutions were passed demanding the removal of the references of the "Black-hole" tragedy, etc., from text-books?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate taking early steps for the removal of the references of the "Black-hole" tragedy from history and text-books in use in Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) I have no information.

(*b*) Does not arise.

Mr. MIA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if any reference to the Black Hole tragedy in the text-books would be undesirable to the Hindus and Muslims alike?

Mr. SPEAKER: That is a question of opinion.

Mr. MIA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to give the necessary direction to the Text-Book Committee that any book having reference to the obnoxious tragedy should not be selected?

Mr. SPEAKER: That is again a question of action.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that it is now a proved fact that the Black Hole tragedy is a colossal hoax?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he has access to the reports that the Home Minister collects?

Mr. SPEAKER: That question does not arise.

Report of Rent Reduction Committee regarding Malda district.

62. **Mr. TARINI CHARAN PRAMANIK:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Rent Reduction Committee has submitted its report?

(*b*) If so, what is their recommendation with regard to Malda district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Free studentships to Scheduled Caste students of the Presidency College, Calcutta.

63. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of part-free and full-free studentships in both Science and Arts classes of the Presidency College since 1938;

(*ii*) how many of them are enjoyed by the—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Caste students;

(*iii*) how many of the Scheduled Caste students applied for part-free and full-free studentships since 1937;

(*iv*) how many of them have got the concession; and

(*v*) whether there is any arrangement for the grant of part-free and full-free studentships to Scheduled Caste students?

(*b*) If the answer to (*a*) (*v*) is in the negative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) In 1938—70 part-free studentships; and in 1939—70 part-free studentships.

(No full-free studentships are attached to the Presidency College.)

(*ii*) (1) Caste Hindus—63.

(2) Muslims—7.

(3) Scheduled Castes—Nil.

(*iii*) 1937—No records have been kept showing separately the number of Scheduled Caste applicants.

1938—Three applicants.

1939—Two applicants.

(*iv*) None.

(*v*) No.

(*b*) The matter will receive my consideration.

STARRED QUESTIONS

(to which oral answers were given)

Absence of raised platform at Ondal station.

***114. Mr. BANKU BEHARI MONDAL:** (*a*) Is the Minister in charge of the Communications and Works aware—

(*i*) that there is no raised platform at the Ondal railway station, East Indian Railway; and

(*ii*) that the absence of a raised platform causes inconvenience to the passengers, specially to the old, the invalid, ladies and children when they get down from and get into train?

(*b*) If the answer to (*a*) is in the affirmative, do the Government consider the desirability of moving the authorities concerned in the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) There is a raised low level platform at this station.

(*ii*) A higher platform might be more convenient.

(*b*) I have been informed by the Railway Administration that it will be very expensive to provide a high level platform at this station, as the station building and the waiting shed would also have to be raised. I therefore do not feel that it would be justifiable for me to urge the Administration to undertake the work at the present time.

Election of the Chairman of Jangipur Municipality, Murshidabad.

***115. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether an election was held to fill up the vacancy caused by the death of Babu Kalicharan Sinha, Chairman, Jangipur Municipality, within the district of Murshidabad?

(*b*) If so, when was it held?

(*c*) What was the result of the said election?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the existing number of commissioners who are—

(1) Hindus, and

(2) Muslims;

(*ii*) the number of them that took part in the said election, who were—

(1) Hindus, and

(2) Muslims; and

(*iii*) the name and designation of the person who presided at the said meeting?

(*e*) Will the Hon'ble Minister be pleased to state whether any dispute was lodged with the Government relating to the said election?

(*f*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the nature of the dispute; and

(*ii*) the date of its filing?

(*g*) Have the Government arrived at a decision upon the said dispute?

(*h*) If not, will the Hon'ble Minister be pleased to state how the matter stands now?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) On the 3rd November, 1939.

(*c*) Maulvi Housetulla Sheikh was declared by the President of the meeting to have been elected as Chairman.

(*d*) (*i*) The total number of commissioners is 18, of which 11 are Hindus and 7 Muhammadans.

(*ii*) Fifteen commissioners attended the meeting, of which 8 were Hindus and 7 Muhammadans.

(*iii*) Maulvi Jahiruddin Biswas, the Vice-Chairman of the Municipality.

(*e*) Yes.

(*f*) (*i*) Four petitions of objection were received in connection with the election. The petitions of Babu Dwijapada Chatterji and

Muktipada Chatterji stated that they were not allowed to take part in the meeting on the alleged ground that they had not taken the oath of allegiance to the Crown within the prescribed time.

The petition of Babu Shyama Charan Chakravarty was to the effect that the voting paper submitted by him was wrongly cancelled by the President of the meeting and the petition of Babu Harinath Das, the rival candidate for chairmanship, was to the effect that the President of the meeting was wrong in rejecting the voting paper of Babu Shyama Charan Chakravarty.

(*ii*) All the petitions were received by the Divisional Commissioner on the 20th December, 1939.

(*g*) and (*h*) The matter is under the consideration of Government and orders will soon issue.

Dr. NALINAKSHA SANYAL: With reference to answer (*g*) and (*h*), will the Hon'ble Minister please state as to how long Government will take to come to a final decision on this issue?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said, Sir—very soon.

Dr. NALINAKSHA SANYAL: Now that 8 months have already passed since the application reached the Divisional Commissioner, will the Hon'ble Minister please state if he can now mention a definite date within which a decision can be given?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, this is very unfortunate; I cannot mention dates, but I can say this much that it will be done very soon.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if the decision will come before the expiry of the life of the present municipality? That is to say, 3 years from now?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Certainly, Sir, the decision will come long before that period.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether it is not a fact that Government have already arrived at a decision that the election has been illegal, but that the said decision is being withheld?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have not got any such information in my possession.

Mr. SASANKA SEKHAR SANYAL: In view of the fact that I have specifically asked——

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have categorically denied that.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please consider the desirability of making an enquiry into the matter to-morrow and satisfying himself that the question I have put is a question which has foundation on fact?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what report the Divisional Commissioner has given on this petition?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No, Sir, I am not prepared to give out the report.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state why he is withholding the information regarding the opinion of the Divisional Commissioner, what are his grounds for doing so?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, that is the usual practice.

Dr. NALINAKSHA SANYAL: Is it because the Commissioner's recommendation has not been to the taste of the Ministry?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please state whether it is a fact that a representation from the present elected Chairman was made to him asking for publishing the decision of the Government a little later?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I could not say that offhand.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister enlighten us whether the Divisional Commissioner has passed any opinion that the said election has been illegal?

Mr. SPEAKER: That question does not arise.

Prohibition of public meetings in Jalpaiguri district.

*118. **Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that under the order of the Deputy Commissioner, Jalpaiguri, under the Defence of India Rules, all sorts of public meetings and processions without his previous permission are now prohibited in the district of Jalpaiguri?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said order of the Deputy Commissioner?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, except public meetings held under any statutory or other legal authority.

(*b*) A copy of the order is laid on the table.

Statement referred to in the reply to clause (b) of starred question No. 116.

NOTICE.

Whereas under notification No. 2125P., dated the 8th April, 1940, the Governor in exercise of the power conferred by sub-rule (*1*) of rule 56 of the Defence of India Rules has been pleased to make the following order directing that:—

No person shall convene, organise, hold or take part in any public procession, meeting or assembly for the furtherance of any object or the discussion of any matter, the furtherance or discussion of which—

(*a*) is, or intended or is likely to be, a prejudicial act within the meaning of clause (*6*) of rule 34 of the Defence of India Rules; or

(*b*) is intended or is likely to affect prejudicially the Defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war or the maintenance of supplies and services essential to the life of the community.

2. Now therefore, for the purpose of securing compliance with or preventing any contravention of the above order, I, Major I. Stewart, Deputy Commissioner (District Magistrate) of Jalpaiguri, hereby direct that no person shall during the period of 6 months commencing from 21st day of April, 1940, convene, organise, hold or take part in any public procession, meeting or assembly unless—

(*a*) written notice, containing details of the time and place at and the purpose for which it is proposed to hold such

procession, meeting or assembly, has been given to me at least three days previous to the holding of such procession, meeting or assembly; and

(b) previous permission in writing to hold such procession, meeting or assembly has been obtained from me.

3. This order shall not apply to any public meeting held under any statutory or other legal authority or to any public meeting convened by me or under my authority.

4. If any person contravenes any order made above, he shall under rule 56 of the Defence of India Rules be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

I. STEWART,

Major,

Deputy Commissioner, Jalpaiguri.

Babu KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister please state whether the Deputy Commissioner, Jalpaiguri, has been empowered by the Provincial Government to promulgate such a drastic order prohibiting all sorts of public meetings?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I will refer the honourable member to the notice itself and the sections of the Act.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state if this Notification No. 2125P., dated the 8th April, 1940, applies to cases even of members of Legislatures organising, convening meetings and assemblies within their constituencies for purposes connected exclusively with the duties, business, and opinions, etc., of their constituents as members?

Mr. SPEAKER: That is not an information, but legal opinion.

Mr. NISHITHA NATH KUNDU: Sir, I wanted to know whether those words, "no person shall convene, organise, hold or take part in any public meeting, etc." apply also to the members of the Legislature?

Mr. SPEAKER: That is a question of interpretation. You are as much able to interpret it as the Hon'ble Minister.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please explain the term "under any statutory or other legal authority"?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether in view of the provisions of Rule 16 of the Defence of India Rules the Magistrate was not justified in prohibiting the holding of any meeting whatsoever and whether in view of this legal position the Hon'ble Minister does consider the desirability of asking the Magistrate to modify his order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not think that this order is illegal, but I have called for a report from the District Magistrate.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state whether it is a fact that this order has been passed only to suppress the present movement in Jalpaiguri and has nothing to do with the defence of India?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister enlighten us as to what emergency arose in the district of Jalpaiguri which led to the issue of such an order by the District Magistrate there?

The Hon'ble Khwaja Sir NAZIMUDDIN: There was extreme tension of feeling there and danger of serious disorder arising also.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us as to what are those feelings prevailing in the district of Jalpaiguri that led the District Magistrate to promulgate such an order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Agrarian trouble in that district between *Jotedars* and *Adhiars*.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Re-excavation of Bemorta Khal in Khulna.

64. Babu NAGENDRA NATH SEN: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Bemorta *khal* in the Khulna district is the direct and the shortest route between Calcutta and East Bengal?

(*b*) Will the Hon'ble Minister be pleased to state what the Government have done for the re-excavation of the *khal*?

(c) Do the Government intend taking up this project this year?

(d) What has been done with the amount budgeted this year for this project?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a) I accept the honourable member's opinion.

(b), (c) and (d) No provision has been made in this year's budget, but the question of financing the project in the near future is under consideration.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state whether there was any provision made in last year's Budget that was not expended?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, there was no provision made in last year's Budget.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please consider the desirability of publishing the notification excluding the members of this House from the purview of such an order?

Mr. SPEAKER: I am afraid we have done with that question and are now dealing with Unstarred questions.

Abolition of local boards in Tippera district.

65. **Mr. DHIRENDRA NATH DATTA:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state, with respect to the Tippera district—

(i) when the local boards will be abolished;

(ii) when the election for electing members of the District Board of Tippera will take place;

(iii) how many members will be elected and how many will be nominated; and

(iv) how many seats will be reserved for the minority community?

(b) Will the Hon'ble Minister be pleased to state whether the constituencies have been delimited?

(c) If so, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(i) the constituencies as settled;

(ii) the allotment of reserved seats for such constituencies; and

(*iii*) whether the special electoral units have been created for the representation of the minority community?

(*d*) If the answer to (*c*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state how the seats reserved for such community will be filled up?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Orders have been issued for the abolition of the local boards in the district of Tippera with effect from the 31st December, 1940.

(*ii*) The next election to the district boards will be held after the constituencies have been delimited by Government under rule 2 of the Rules for Direct Election to District Boards, a copy of which is laid on the Library table.

(*iii*) Three-fourths of the total number of members of the district board will be elected and the remaining one-fourth will be nominated by Government.

(*iv*) The number of reserved seats has not yet been fixed. It will be fixed on the basis of population under section 10A of the Local Self-Government Act.

(*b*) No.

(*c*) and (*d*) Do not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister please consider the desirability of inviting suggestions from members of the Legislature of the district concerned in the matter of delimitation of constituencies?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall be very pleased and I shall invite all members to give their suggestions.

Mr. SHAHED ALI: With reference to answer (*b*), will the Hon'ble Minister please state when the work of delimitation will begin?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have said that from the 31st December, 1940, the local boards will be abolished and then the question of delimitation will be taken up.

Mr. DHIRENDRA NATH DATTA: In the matter of delimitation of constituencies, will the Hon'ble Minister please tell us whether the Government has received any report from the District Magistrate?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware, I have received no report as yet.

Mr. SHAHED ALI: Will the Hon'ble Minister please state whether it is a fact that the work has already been finished by the District Magistrate in consultation with the Chairman, District Board, in the district of Tippera?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of the fact.

Mr. SHAHED ALI: Will the Hon'ble Minister please make an enquiry into the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, I shall make an enquiry.

Reduction of rent in Malda district.

66. **Mr. TARINI CHARAN PRAMANIK:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the rate of rent obtaining in the district of Malda is excessive?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate taking steps for reduction of rent in the district?

(*c*) If not, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) and (*c*) Do not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please give us data in support of his reply to question (*a*), namely, "No"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I have got the data here—

The incidence of cash rent per acre for *raiyatwari* interest is as follows:—

			Rs.	a.
Malda	...	...	2	4
Bogra	...	...	2	14
Pabna	...	...	3	1
Dinajpur	...	...	2	7
Rangpur	...	...	3	0
Rajshahi	...	...	3	3
Jalpaiguri	...	...	2	5

Realisation of "abwabs" in Birbhum.

67. Dr. SHARAT CHANDRA MUKHARJI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that in spite of the enactment of the Bengal Tenancy (Amendment) Bill of 1938, the practice of realisation of *abwabs* in the name of Nirvedi and Tahuri is being continued in the district of Birbhum by some of the zemindars;

(*ii*) that many tenants of Babu Byomkesh Mukherjee in the Paikar Mahal are under realisation of such *abwabs*;

(*iii*) that they made a petition to the Collector of Birbhum on the 21st March, 1940, and sent a reminder thereof on the 28th March, 1940;

(*iv*) that no action was taken by the District Magistrate; and

(*v*) that they also applied to the Commissioner, Burdwan Division, on the 12th April, 1940, and sent a reminder to that effect on the 30th April, 1940?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Government have no definite information about such practice.

(*ii*) to (*iv*) Allegations to that effect were made and enquired into when it was found that the landlord was realising in terms of his deed of purchase from the Nawab of Rampur certain additional charges called বন্দোবস্ত বেশী over and above the amount recorded in the record-of-rights as payable as rent, which had been paid to the Nawab of Rampur without objection by the tenants for many years past. The attention of the landlord having been drawn to the illegal character of the charges, he has promised to stop collection of these charges forthwith.

(*v*) One person represented to the Commissioner to that effect.

(*b*) Does not arise.

Dr. SHARAT CHANDRA MUKHARJI: Will the Hon'ble Minister please state if the terms of the landlords have been accepted by Government, and see that the zemindars keep their promise?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have accepted the promise and if the promise is not kept, then certainly Government will see that the zamindars honour their promise.

Communal tension in Chuadanga, Nadia.

68. **Dr. NALINAKSHA SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that acute communal feelings are existing in some parts of Chuadanga subdivision, Nadia district, for some time past?

(*b*) If so, what steps has the Subdivisional Officer of the place taken to allay the tension?

(*c*) Did the District Magistrate visit the locality in the month of June?

(*d*) If so, what steps have been taken by him to restore good relations between the Hindus and the Muslims of the place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I am aware that there was some tension in a particular area some weeks ago.

(*b*) Certain rioting cases have been started and proceedings under section 107, Criminal Procedure Code, are pending.

(*c*) Yes.

(*d*) A public meeting was held and good relations between the two communities have now been restored.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state, with reference to answers (*b*) and (*d*), why is it that the Subdivisional Officer takes one course with a view to allay the tension and the District Magistrate takes another course?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as long as we have the tension allayed, it does not matter if the courses differ.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please let us know whether it is a fact that as a result of the steps taken by the Subdivisional Officer, namely, continuing rioting cases and criminal cases under section 107, Criminal Procedure Code, communal tension which otherwise would have subsided is still continuing?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of putting a curtain on the whole matter by withdrawing all cases either against Hindus or Mussalmans in that area?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be that it was because action was taken that there was allaying of the feeling. I don't like to interfere with the discretion of the local officers, but I shall forward the suggestion made by the honourable member to local officers.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Sir, I have got your consent to an adjournment motion for which I gave notice:—

"That this Assembly do now adjourn to discuss a definite matter of urgent public importance of recent occurrence, namely, the manner in which contributions to War Purposes Fund are being raised by the District Magistrates through the agency of union boards."

May I have the leave of the House? I hand over the short statement in this connection as required under the rules.

Mr. SPEAKER: How do you connect Government with this?

Dr. NALINAKSHA SANYAL: If you would like to be satisfied on this point, I would certainly like to satisfy you and the Hon'ble Home Minister. I have got a written notice.

Mr. SPEAKER: The position is, every adjournment motion must be treated as affecting the jurisdiction which the Government has got, and that must be arising out of a positive act of Government. Where is the act of Government in this case, which you want to bring before the House?

Dr. NALINAKSHA SANYAL: May I submit, Sir, that adjournment motions are usually tabled to bring out certain matters of general public importance, in which not merely one particular officer or officers are concerned, but in which there is a general grievance over a large area. And further, Sir, I submit that acts of commission as well as omission——

Mr. SPEAKER: This is the first time that I hear that theory about adjournment motions. (Laughter.)

Dr. NALINAKSHA SANYAL: It should be of general importance, a theory which you have always held. Whenever a District Magistrate is taking some action, either action of commission or omission in regard to a matter of such general importance, it will be a matter for adjournment motion.

I shall just show you from the letters which I have received. I have got one letter from the Union Board Office of Simlagarh Vitasin in the district of Hooghly, where it is stated——

Mr. SPEAKER: How do you know that the District Magistrate has asked him to do it?

Dr. NALINAKSHA SANYAL: Sir, the threat is, I am going to send this list of assessment, which you are not complying with, to the District Magistrate for necessary action, and the matter was referred to the District Magistrate by a petition, and that petition has not been acted upon so far.

Mr. SPEAKER: What I shall do is this: You table questions on each of these cases, and I shall first of all see that the questions are admitted, and see what are the actual facts. At present even from your papers, it does not appear that the District Magistrate is responsible. I can quite understand if you say that the village union board is responsible.

Dr. NALINAKSHA SANYAL: I have also another instance in which at Nawadwip, a town which you know very intimately, the District Magistrate personally went to merchants and demanded from them certain sums, which he thought would be reasonable for them to pay, and elsewhere in one case at least a gentleman had to suffer in regard to a licence of his gun for having not been able to comply with such a request or demand.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Is it your idea that questions will be put to ascertain how far the Government or the District Magistrate is cognisant of such affairs?

Mr. SPEAKER: Yes.

Mr. SASANKA SEKHAR SANYAL: If we do that, we can't make out a case. But here on the basis of an adjournment motion, we can discuss and make out a case.

Mr. SPEAKER: Unfortunately, these are all individual acts not arising out of a common policy of Government.

Dr. NALINAKSHA SANYAL: I have got four specific cases.

Rai HARENDRA NATH CHAUDHURI: If there are several individual acts, it goes to show that there is a common policy underlying them all.

Mr. SPEAKER: Supposing a particular type of crime is committed in some districts, it does not show that it is the common policy of the Government.

Dr. NALINAKSHA SANYAL: Sir, I have specifically drawn attention to four districts, namely, Midnapore, Nadia, Hooghly and Noakhali. These are specific instances I have referred to in order to enable me to convince you that I am not bringing out any frivolous motion. If a question is asked, there are two difficulties in my way. First of all, the question need not be replied to as early as I would like to have it replied to, and the result would be that this harassment which at present is going on will continue——

Mr. SPEAKER: Are you quite sure that this adjournment motion will bring about its discontinuance?

Dr. NALINAKSHA SANYAL: I hope, Sir, that the publicity that the adjournment motion will get, together with the Hon'ble Minister's assurance in that connection, will convince the villagers——

Mr. SPEAKER: I think the best way is to table all these questions together. I will send them to Government and see that replies are given as early as possible.

Dr. NALINAKSHA SANYAL: Then, what about the question of urgency, Sir?

Mr. SPEAKER: So far as the question of urgency is concerned, I can't say anything now.

Dr. NALINAKSHA SANYAL: Sir, I am prepared to wait if you get an assurance from the Hon'ble the Home Minister that he is prepared to address all the District Magistrates, especially the four districts I have mentioned. After he has ascertained the facts, we may exchange views to see if it is necessary to have any adjournment motion. But I think a question will not be of help in this matter.

Mr. SPEAKER: I am afraid I cannot see my way for the time being until I am satisfied more on the point as to what is the precise nature of the action, for which Government is responsible. I am afraid I cannot accept the motion.

Dr. NALINAKSHA SANYAL: District Magistrates are involved in this matter, Sir.

Mr. SASANKA SEKHAR SANYAL: Let us at least have a statement from the Hon'ble Minister as to what is the attitude of Government towards this War Fund.

Dr. NALINAKSHA SANYAL: Sir, I have specifically stated on my own responsibility that District Magistrates are involved in this matter. If you are in possession of facts to disprove that statement, then your conclusion is justifiable. But let us have a statement from the Hon'ble Home Minister denying that the District Magistrates are in no way concerned.

Mr. SPEAKER: I am not prepared to take either your statement or the statement of the Hon'ble Minister, unless I am satisfied that the responsibility is either with the District Magistrates or with the Government.

Dr. NALINAKSHA SANYAL: Will you then wait for the facts to be placed before you? I have got a gentleman belonging to the village of Gharaikhetra who came to me on Saturday——

Mr. SPEAKER: When did this occurrence take place?

Dr. NALINAKSHA SANYAL: About a week ago. But I personally had to be satisfied before bringing this matter up. Even now, you don't feel inclined to accept it. In order to satisfy myself, I sent a responsible gentleman to the District Congress Office at Nadia and also to Nawadip to the gentleman who had sent me this letter, and I have ascertained these facts. This gentleman came to me yesterday evening. After that alone I am in a position to bring this matter up. You don't expect me to bring forward a motion forthwith when a gentleman brings a report to me? I have to ascertain the facts before bringing up a motion here.

Mr. SPEAKER: What is the evidence before you to show that the incidents at Nadia and Hooghly are both connected?

Dr. NALINAKSHA SANYAL: I don't say that they are interconnected. I say that these four instances are similar and come under the general motion I have given. They raise the impression that the Government themselves have instructed the Magistrates concerned, of which I have no personal evidence. So far as District Magistrates are concerned, I have evidence.

Mr. SPEAKER: Sir Nazimuddin, have Government issued any instructions on this point?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government do not approve of collection of subscriptions for War Purposes under threat or compulsion. That is the definite instruction of Government on this point, namely, that all subscriptions should be voluntary. I am prepared, if necessary, without making any admission as to the correctness of the allegations, to again write to all the District Magistrates to say that subscriptions should not be collected by means of threats.

Dr. NALINAKSHA SANYAL: Thank you.

(Dr. Suresh Chandra Banerjee rose to speak.)

Mr. SPEAKER: No questions please.

Mr. M. A. H. ISPAHANI: Sir, I could not hear a word of the statement of the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I repeat it, Sir?

Mr. SPEAKER: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government do not approve of collection of subscriptions for war purposes under threat or compulsion, and I am prepared to circularise this to all the District Magistrates again drawing their attention to Government policy in this matter.

Mr. SPEAKER: That is all right. In any case, I hold that the adjournment motion does not arise.

GOVERNMENT BILLS.

The Bengal Jute Regulation (Amendment) Bill, 1940.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to introduce the Bengal Jute Regulation (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1940, be taken into consideration.

Sir, this is a short Bill, and I think the House will not take a long time to dispose of it. This Bill has been introduced with a view to implement some assurances that were given on the floor of the House

when the orginal Bill was under discussion. The amendments are mostly of a very minor character. Some of them are directed to clear certain points. There is only one amendment of substance. That amendment seeks to give power to District Magistrates to revise records made by the recording officers within one year after the record is made final. That is the only amendment of substance. Otherwise, all the other amendments, as I have already said, Sir, are of a minor character. (Mr. SASANKA SEKHAR SANYAL: They are unsubstantial!)

The House will remember that when the original Bill was taken into consideration by this House, Government proposed to introduce a measure whereby the jute of 1940 might be regulated. It was in deference to almost a unanimous desire expressed by this House that Government had to give up that proposal much against their own wish. Now I can tell the House that this year the registration proceedings have gone on very smoothly and the field work is almost complete. (Dr. NALINAKSHA SANYAL: Is it correctly prepared?) I hope, Sir, that very little objection will be raised about the correctness of the record this time and if the House has no objection we hope that there will be no difficulty in regulating the next year's crop. At this stage I do not intend to say anything more.

With these words, Sir, I commend my motion to the acceptance of the House.

The motion of the Hon'ble Mr. Tamizuddin Khan that the Bengal Jute Regulation (Amendment) Bill, 1940, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 1A.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that after clause 1, the following clause be inserted, namely:—

1A. In clause (7) of section 2 of the Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act), after the word "year" the following words be added, namely:—

"but does not include any land on which, with the written permission of the Provincial Government or of a servant of the Crown authorized by the Provincial Government in this behalf, jute is grown in any year for *boná fide* experimental or demonstrational purposes;"

Sir, the object of this amendment is quite obvious. In the original Bill it was through an oversight that a provision like this was not incorporated. The object of the Jute Regulation Bill is ultimately to regulate the crop of any particular year. But certainly the intention of Government is not to enforce any regulation as regards the sowing of jute for experimental or demonstrational purposes. Therefore, it is only meet and proper that such sowings of jute as are for *bonâ fide* experimental or demonstrational purposes should be excluded from the operation of this Bill. It is with that end in view, Sir, that this amendment is being placed before the House.

Mr. SPEAKER: Is this clause essentially necessary for your purpose?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. Is there any difficulty?

Mr. SPEAKER: Yes. I am doubtful whether this comes within the scope of the Bill.

Dr. NALINAKSHA SANYAL: Is the opposition coming from the Hon'ble Speaker? (Laughter.)

Mr. SPEAKER: Yes. Anyway, there is no objection, but I am not quite satisfied that it does arise.

The motion of the Hon'ble Mr. Tamizuddin Khan that after clause 1, the following clause be inserted, namely:—

1A. In clause (7) of section 2 of the Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act), after the word "year" the following words be added, namely:—

> "but does not include any land on which, with the written permission of the Provincial Government or of a servant of the Crown authorized by the Provincial Government in this behalf, jute is grown in any year for *bonâ fide* experimental or demonstrational purposes;"

was then put and agreed to.

The question that clause 1A stand part of the Bill was then put and agreed to.

Clause 2.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that in clause 2, lines 1-3, for the words, figures and brackets "Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act)" the words "said Act" be substituted.

Sir, this is my amendment.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move—

that in clause 2, in the proposed sub-section (*2*) of section 3, line 1, for the words "by notification" the words "in the notification under sub-section (*1*) or by a separate notification" be substituted;

that in clause 2, in the proposed sub-section (*2*) of section 3, lines 5-7, for the words beginning with "entered" and ending with "grown" at the end, the following words be substituted, namely:—

"it entered in the record of any land on which he has grown jute that no crop other than jute can be grown on such land".

that in clause 2, in the proposed sub-section (*3*) of section 3, line 1, for the words "by notification" the words "in the notification under sub-section (*1*) or by a separate notification" be substituted;

that in clause 2 in the proposed sub-section (*3*) of section 3, lines 6 to 10, for the words beginning with "in any one" and ending with "notification" at the end the following words be substituted, namely:—

"he or his predecessor in interest grew jute in any one of the three years immediately preceding the year specified in the notification but not in that specified year."

Now, Sir, with regard amendments Nos. 3 and 5, I do not want to press them. If the Hon'ble Minister thinks that these two amendments of mine are worthy to be accepted, he may accept them, or, if not, he may reject them. I will not take any time of the House over them.

With regard to my amendment No. 4, I am simply drawing the attention of the Hon'ble Minister to the wording in sub-clause (*2*) in

the proposed clause 2. Sir, I want to know from the Hon'ble Minister what does he intend to be entered by sub-clause (*2*). Is it the intention of the Government that only the nature of any land in the possession of a jute-grower on which no crop other than jute can be grown is to be entered or the fact that on a particular land no crop other than jute can be grown is meant to be entered? If the nature of the land, that is, whether it is *char* land or marshy land or any other kind of land, is to be entered, then, of course, the wordings of sub-clause (*2*) may remain. But if it is the intention of the Hon'ble Minister that the fact that on a particular land no crop other than jute can be grown is to be entered, then, I hope, the wordings of my amendment should be accepted.

Then, Sir, with regard to my amendment No. 6, I submit that the wordings of sub-clause (*3*) may mean that if any jute-grower has grown jute over three bighas of land in the specified year and if he grew jute on any land in excess of the area of three bighas in any of the three preceding years, then alone he can get it recorded that on such and such particular plots of land in excess of three bighas, jute was grown. But if it is the case that a jute-grower has grown jute on three particular plots of land of one bigha each this year and he grew jute on such plots of land of the same total area in the preceding year, of which two plots are common and one plot is quite different, then in that case, he shall not be entitled to have it recorded that he grew jute on that different plot of land, because the total area of the previous year's jute cultivation was not in excess of the area on which he grew jute in the specified year. Sir, as far as I understood, the objection raised by many members of the House to the passing of the first Bill in November last was due to the fact that there were cases in which it was not possible for the cultivator to grow jute on all his jute lands in the year specified in that Bill. So, they wanted that all the jute lands in possession of a jute-grower should be recorded in the record-of-rights and that view was accepted by Government. I believe that in order to give effect to that view, Government have brought in this amendment. So, I submit, Sir, that if it is the intention of the Government that a particular jute-grower is entitled to have all his jute lands recorded, then my amendment should be accepted, because in my amendment, the position has been made very clear. What I want by my amendment to be recorded is this: that a jute-grower shall be entitled to have entered in the record all his jute lands including any land in his possession on which he or his predecessor in interest grew jute in any one of the three years immediately preceding the years specified in the notification, though not in that specified year. It is very clear. If he grew jute on any land in any one of the preceding three years, besides the land on which he grew jute in the specified year, he should be entitled to have such land recorded. But if the

wordings of sub-clause (3), as they appear in the Bill, are accepted, then, I believe, that many jute-growers will suffer, specially the jute-growers who could not for many reasons grow any jute at all in the specified year, but who have got jute lands on which they grew jute in the preceding year or in any one of the preceding three years. Is it not the intention of the Government that those plots of land on which the jute-growers for some reasons or other could not grow jute in the specified year, should also be recorded in the record-of-rights? If it is the intention, then the Hon'ble Minister should accept my amendment, because in his Bill it is stated that only such jute-growers will be entitled to have their excess lands recorded who grew jute on any land in any of the three preceding years in excess of the total area of land on which he grew jute in the year specified in the notification. That means that if he has grown jute on some land in his possession in the specified year, then alone he can have it recorded that he grew jute on some other lands in any of the three previous years. If he has not grown any jute in the specified year, then what will be his position according to sub-clause (3)? No jute land of his will be recorded as such. I hope the Hon'ble Minister does not mean that So, my amendments should be accepted.

Sir, with these words, I commend my amendments to the acceptance of the House.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am sorry that I have to oppose all these amendments.

As regards amendments Nos. 3 and 5, Mr. Biswas does not press them, and I do not think there is any reason for pressing them. They are unnecessary.

As regards amendment No. 4, that also does not certainly improve matters. It is only another way—and perhaps a clumsier way—of putting the same thing. Certainly, it is the intention of Government that it should be recorded whether on any particular land, nothing but jute can be grown and that character of the land will be recorded in the record. Therefore, even it is not put in the language proposed by Mr. Biswas, it will bear the same meaning which he wants to put to the clause. Therefore, I think, that his amendment No. 4 also is unnecessary.

As regards No. 6, it seeks to alter the intention of the clause altogether. Sir, when the original Bill was under discussion, objection was raised that if a particular person sowed jute on a very small area of land in the year in question, but during some one of the three previous years he had grown jute on a larger area of land, it should be possible for him to have that fact recorded. Under the old clause that was not quite possible. Therefore, the intention of the Government now is to make that point quite clear, so that a person who for

some reasons may not have sown jute on the same quantity of land on which he might have sown during the three previous years, then he should be able to have that recorded——

Mr. SURENDRA NATH BISWAS: Why don't you take into account the number of plots on which jute is grown instead of quantity?

The Hon'ble Mr. TAMIZUDDIN KHAN: If the area is taken into account, the plots will come into the picture automatically. A total area cannot be made up without taking into consideration all the plots. I do not see the point that Mr. Biswas wants to make. If this clause is accepted, it will be possible for those persons who may not sow any jute whatsoever in that particular year to have it recorded in his record if in any one of the three previous years he had sown jute on a particular area of land. Also the person who did not sow jute on the same area of land on which he might have sown in any of the three previous years will also be able to have that fact recorded. This is a comprehensive draft and will cover all the cases. On the other hand, if the amendment of Mr. Biswas is accepted, the person, who had sown, say, in the year 1938 jute on 10 bighas of land, but in the particular year in question, say, in 1940 has sown jute on only 5 bighas of land, will not be in a position to have the excess land recorded. That will be the difficulty——

Mr. SURENDRA NATH BISWAS: Why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is my interpretation.

Therefore I have to oppose all the amendments.

The motions of Mr. Surendra Nath Biswas——

that in clause 2, in the proposed sub-section (*2*) of section 3, line 1, for the words "by notification" the words "in the notification under sub-section (*1*) or by a separate notification" be substituted;

that in clause 2, in the proposed sub-section (*2*) of section 3, lines, 5-7, for the words beginning with "entered" and ending with "grown" at the end, the following words be substituted, namely:—

"it entered in the record of any land on which he has grown jute that no crop other than jute can be grown on such land",

were then put and lost.

The motions of Mr. Surendra Nath Biswas—

that in clause 2, in the proposed sub-section (*3*) of section 3, line 1, for the words "by notification" the words "in the notification under sub-section (*1*) or by a separate notification" be substituted;

that in clause 2 in the proposed sub-section (*3*) of section 3, lines 6 to 10, for the words beginning with "in any one" and ending with "notification" at the end the following words be substituted, namely:—

"he or his predecessor in interest grew jute in any one of the three years immediately preceding the year specified in the notification but not in that specified year"

were then put and lost.

The motion of the Hon'ble Mr Tamizuddin Khan that in clause 2, lines 1-3, for the words, figures and brackets "Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act)" the words "said Act" be substituted, was then put and agreed to

The question that clause 2, as amended, stand part of the Bill was then put and agreed to.

Clauses 3 and 4.

Dr. DHIRENDRA NATH DATTA: I beg to move that in clause 3, in line 4, of the proposed proviso to section 5 the words "and on payment of the prescribed fee" be omitted.

I also beg to move that in clause 4, in line 4, of the proposed proviso to section 5 for the words "prescribed fee" the words "fee of annas two" be substituted.

In moving these amendments I want to say that it is clear from the draft that the Collector is entitled to alter the record at any time on his own initiative; so far as the applicant is concerned, he is entitled to make an application within a year and on the payment of a certain fee, but the fee which is to be prescribed by rules under the Act is not stated here. I will not press my amendment No. 7. I refer to my amendment No. 8 wherein I have stated that a fee of annas two will be sufficient. I will press this amendment. My friend Mr. Sibnath Banerjee has got an amendment in which he has said that a fee not exceeding one anna per application will be sufficient. My suggestion is that it should be two annas and that this matter of framing rules should not be left to Government. It should be stated here in the Act itself. A fee of two annas is sufficient, because it appears that if the Ministry alters the record in future, it

can do so on its own initiative, but the applicant will have to make an application within a year and he will have to pay a certain amount of fee. My submission is that that fee should not be high; two annas will be sufficient.

With these words I move my amendments for the acceptance of the House.

Mr. SIBNATH BANERJEE: I beg to move that in clause 3(*b*), in line 4 of the proposed proviso to section 5, after the words "prescribed fee" the words "if any, but not exceeding one anna per application" be inserted.

I move my amendment without any speech. I only want to say that my amendment will be put first.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to oppose all the amendments. In this respect, I think, the House will follow the same policy that they did when the original measure was passed. I will refer the honourable members to section 12 of the Act. That section deals with appeals. There also the fee is not prescribed in the body of the Act, but the fee is to be prescribed by rules. We have accepted that principle. I do not see any reason whatsoever why we should follow a different procedure in respect of the application. Appeals I presume will be larger in number—much larger than the applications. Applications will be very few and far between, because after the elaborate procedure of having the records made as perfect as possible, I do not see anybody will have any grievance. If anybody has yet any grievance, he will be in a position to make an application. If he has been sleeping over the matter during all these elaborate proceedings, it is only just and proper that he should pay some fee and that fee should be prescribed by rules according to the policy which we have already adopted——

Mr. SIBNATH BANERJEE: We should at least have some idea of the fee.

The Hon'ble Mr. TAMIZUDDIN KHAN: I cannot say offhand what will be the prescribed fee, but the honourable members can raise the issue that the fee should be a reasonable one. I say that it will not be unreasonably high.

With these few words I oppose all the amendments.

The motion of Mr. Dhirendra Nath Datta that in clause 3, in line 4, of the proposed proviso to section 5, the words "and on payment of the prescribed fee" be omitted, was then put and lost.

The motion of Mr. Sibnath Banerjee that in clause 3(*b*), in line 4 of the proposed proviso to section 5, after the words "prescribed fee" the words "if any, but not exceeding one anna per application" be inserted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 3, in line 4 of the proposed proviso to section 5, for the words "prescribed fee" the words "fee of annas two" be substituted, was then put and lost.

The question that clauses 3 and 4 stand part of the Bill was then put and agreed to.

Clause 5.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 5, after paragraph (*a*), the following paragraph be inserted, namely:—

"(*a1*) in the proviso to sub-section (*1*), in line 4, the word "comprising" be omitted.".

Sir, I have moved this amendment only to make the sense clearer according to my view. If, however, the Hon'ble Minister thinks that the language which has been used in the section is quite all right, then I would not press my amendment.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to oppose this amendment. This clause is quite clear with the word "comprising" as without it.

The motion of Mr. Surendra Nath Biswas was then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 6, in the proposed sub-section (*2*) of section 11, line 3, for the word "compliance" the word "accordance" be substituted.

The motion was then put and lost.

The question that clause 6 stand part of the Bill was then put and agreed to.

Clauses 7, 8 and 9.

The question that clauses 7, 8 and 9 stand part of the Bill was then put and agreed to.

Clause 10.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in paragraph (*c*) of clause 10, line 1, after the brackets and figure "(3)" the following words be inserted, namely:—

"The words 'after the first' shall be omitted, and".

Sir, in the Act we find in sub-section (*3*) of section 23 that if the offence contemplated under that section is a continuing one, then he will be punished with a further fine which may extend to ten rupees for every day after the first during which the breach continued, that is, for the first day he is being fined and for the continuance of the offence he will be fined continuously from the second day onwards. Now in the Bill we find that the Hon'ble Minister wants to amend this sub-clause by substituting the following for the word "continued" namely, "continues subsequent to such conviction." That means that the offender will be fined for the continuance, only after conviction, but the Hon'ble Minister does not want to punish him for the first day of the continued offence. If that is the intention, the word "continue" in clause 10 may remain; but if he intends to punish the offender for all days of the continued offence——

Mr. SPEAKER: I think the Hon'ble Minister is perfectly right.

Mr. SURENDRA NATH BISWAS: Here the word "first" relates to the number of days after the continuance of the offence after the man has been convicted. As for myself, I do not want more punishment

Mr. SPEAKER: It is quite clear as I have said. Don't you make the matter so subtle.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I oppose this amendment.

The motion of Mr. Surendra Nath Biswas was then put and lost.

The question that clause 10 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir I beg to move that the Bengal Jute Regulation (Amendment) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Revenues (Charged Expenditure) Bill, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on the recommendation of His Excellency the Governor I beg to introduce the Bengal Revenue (Charged Expenditure) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the said Bill be taken into consideration.

Honourable members may have noticed on reading the Bill that this is a Bill of a formal nature. There are certain Acts in existence under which certain payments have to be made by Government and until those Acts are altered, we cannot make any deduction. It therefore seems illogical that the House should have the power by vote to make reductions in the grants which the House itself requires Government to pay under a statute. Secondly, there are certain sums that have to be paid to various local bodies. These sums were formerly appropriated directly by the local bodies and formed part of their funds. Under the Government of India Act, 1935, these items have to be credited to the provincial revenues in the first instance, and it has been accepted that the sums of money which are now credited to the provincial revenues should without any reduction be paid over to the local bodies so that the local bodies may know what is likely to be their budget and to act accordingly. We have been carrying this policy out for the last three years. For two years these sums were charged; they could not be voted upon. What we propose to do now is that the charged nature of these items should continue. It may be stated that this will deprive the House of an opportunity of discussing these various items. But I submit not, because on the general budgetary item under each head it is open to the House to put in a cut motion and to discuss all matters comprised within that budgetary item and take up any matter in regard to which we are now charging the expenditure; for instance, if you wish to attack the administration of the Calcutta Corporation, it is open to you to do so by moving a cut motion to the demand under the Local Self-Government Department Budget on the basis of the Bengal Motor Vehicles Act, although it is a charged expenditure.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The Hon'ble Minister in charge of Finance is now treading on your jurisdiction. Sir, you had ruled formerly that matters of internal administration of local bodies cannot come under the purview of this Legislature through cut motions. The cut motions, if at all, must relate to something for which Government are responsible.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that I used the word "internal administration." I am almost sure, Sir, I did not. At any rate, Sir, I have no desire whatsoever to encroach on your province or to challenge your ruling, but this strengthens my point still further that if we cannot take advantage of the Bengal Motor Vehicles Tax Act to discuss the affairs of the Calcutta Corporation, internal or external, there is no reason why these items should not be charged. As a matter of fact, it is clear that under the Act we cannot pay a pice less to these bodies than what we are compelled to do under the statute, and with regard to the other item, which used to be appropriated by the self-governing institutions, there is also no question about it that they are entitled to these moneys, and we should like to place this condition of affairs on a sounder footing. I hope the honourable members will accept the Bill.

Dr. NALINAKSHA SANYAL: Sir, I beg to move the amendment standing in my name that the Bill be circulated for the purpose of eliciting opinion thereon by 31st October, 1940.

Sir, it is not with any idea of delaying this valuable piece of legislation that the Hon'ble Mr. Suhrawardy has introduced this afternoon that I have brought forward this motion. Sir, I am surprised that a man of Mr. Suhrawardy's intelligence would call this measure a formal measure, and I am still more surprised that he attempted to delude the House into the belief that even after these charges, these expenses, are taken out of the purview of the vote of the Legislature and made charged expenditure, still the House will have the right to move cut motions.

The Hon'ble Mr. H. S. SUHRAWARDY: To discuss on a cut motion.

Dr. NALINAKSHA SANYAL: Sir, we on this side of the House feel that in a democratic Legislature, it should be the right and privilege of the Legislature, particularly the Legislative Assembly, the popular House in the Legislature, to examine and critically go into every kind of financial commitment of the Government, and with that in view we had all along pressed even before the new Constitution Act of 1935 was passed, that even matters like Governor's allowances, etc., should also be discussed in the House, and it should be within the right of the members of the Legislature to allow or disallow even such expenses. But, Sir, we are handicapped for the time being. Sir, with the passing of the Government of India Act, 1935, certain items of expenditure have been definitely taken out of the vote of the Legislative Assembly. These have been six in number. The character of these expenses would make it clear how great care was exercised by the

framers of the Act not to go beyond absolutely essential services for the maintenance of the outline of the structure of Government. The expenses that have been charged on the revenues of the province by virtue of section 78(3) are as follows:—

(1) the salary and allowances of the Governor;

(2) debt charges for which the province is liable;

(3) salaries and allowances of Ministers and Advocate-General;

(4) expenditure in respect of salaries and allowances of Judges of any High Court,

(5) expenditure in connection with administration of excluded areas; and

(6) any sum required to satisfy any judgment-decree or award of any Court or arbitral tribunal.

These are very specific and definite, and it must have taken the framers of the legislation many anxious hours to confine themselves to such absolutely minimum expenditure which they thought were necessary to be kept out of the vote of the House. Thereafter, a small sub-clause was added, viz., "any other expenditure declared by this Act or any Act of the Provincial Legislature to be so charged." This permissive clause is there, and I submit, Sir, it is not fair for the Government of Bengal to come up to-day by the authority vested in the Provincial Government under this sub-section of the Act to take out from the vote of the House any further expenditure that at the present moment is liable to be voted by the Legislative Assembly. A very important question of principle is involved. I for myself do not see any justification whatever in bringing forward a piece of legislation of this character, and at a time when throughout the world the fight for greater freedom and democracy is going on. I submit that the arguments of the Hon'ble Minister in charge in this connection have fallen flat not only on this side of the House but on the whole House including, I suppose, the members of the Coalition Party. It has been argued and also it has been stated in the Statement of Objects and Reasons that these contributions are contributions payable under enactments and consequently they are normally going into the Budget every year, and it will be merely a repetition of the same thing over and over again which the Government wanted to avoid. I beg to submit to the House that it is only on one occasion, every year, that is the occasion of the Budget, that the House has an opportunity of going into the details of every department for which Government propose to allot sums of money from out of the provincial revenues. It is only on such occasions that through appropriate motions, the Legislature can raise discussions on important questions of principle as well as on details of administration of many a department. It will be

noticed that in the list of items proposed to be taken out of the vote of the Legislature, appear such items as the contribution to the Dacca University, the Howrah Bridge, contribution to the Calcutta Corporation on account of the Bengal Motor Vehicles Tax Act, contributions to the Victor Leper Hospital, and so on. I submit that in no democratic country, far less in Great Britain, where there are numerous pieces of legislation, by virtue of which annual grants have got to be provided by Government, is there any such attempt made to take out from the purview of the Legislature such grants during Budget discussions.

The Hon'ble Mr. H. S. SUHRAWARDY: Satutory grants.

Dr. NALINAKSHA SANYAL : I have stated that even statutory grants are not permitted to be taken out from the British Budget during Budget discussions. The objects of Budget discussions are many and varied. The Budget discussions are not merely undertaken with a view to provide certain sums of money for certain expenses. They are also mainly and largely placed before the House with a view to obtain the opinion of the House on matters relating to the administration of various departments in connection with which the public might have various grievances to ventilate. I most respectfully submit that in case this Bill is passed, it will not be possible for us in future to raise discussions on the administration of the Dacca University, on the administration of the Howrah Bridge, on the administration of the manner in which the Calcutta Corporation utilizes the fund that is contributed to it under the authority of the Bengal Motor Vehicles Tax Act, and it will not be possible for us either to raise a discussion on the administration of the Victoria Leper Hospital. I understand the anxiety of the Hon'ble Ministers to have items of their allowances and travelling allowances kept out of the scope of the vote of the Legislature. If they had come forward with a piece of legislation of that character, I could have followed it, and I could have understood it. But this Bill passes my comprehension. I cannot follow or understand why Government should be anxious to take out from the discussions of the House anything which is not specifically ruled out by virtue of the power given under the Government of India Act itself. I submit that in this connection considerable public feeling has been created, and I would only quote—because I cannot improve upon what has been written there—I would like to quote a few relevant sentences from a very learned editorial published in the *Amrita Bazar Patrika* some time ago. The learned editor there says—rather exhorts that—

"The Bill is a menace even to the restricted powers that the electorate have won as a result of years of struggle and unless it is nipped in the bud, one does not know where it will end."

It is stated—

"That tendency is manifest also in various enactments enacted from time to time in this country so that when one talks of Fascism one must not forget that Fascism is not confined to one particular country or nation. It is growing in all countries where the present social order is not able by its very nature to adjust itself to the growing social needs and is out to maintain the *status quo* by desperate means. We ask the Bengal Legislative Assembly to fight against that tendency with all the might of which it is capable. It is no use talking of freedom and democracy and at the same time countenancing measures that strike at the roots of freedom and democracy."

That is one side of the picture; on the other side we find that some discrimination has been sought to be indulged in in preparing the list of grants that ought to be kept out of the purview of the Legislature. I realize that the Hon'ble Minister will probably jump up and say that these are statutory grants (The Hon'ble Mr. H. S. SUHRAWARDY: My friend knows the answer') and therefore other grants are not brought in. But, Sir, there is no bar in placing two or three institutions on the same footing by appropriate statutes if that is very necessary in the interest of one, and consequently, I find discriminatory treatment in favour of the Dacca University. I would not, however, for a moment like to suggest that the Dacca University should not be placed financially in a position of safety. I am as much anxious to see that the Universities are kept free from annual cuts as anybody else in the House may be. But, Sir, I fail to understand why there should be this unholy anxiety for the Dacca University to be included when the Calcutta University is still suffering from the onus of going through the ordeal of an annual public demand.

Dr. SURESH CHANDRA BANERJEE: Sir, I have got an amendment.

Mr. SPEAKER: You mean your amendment about eliciting opinion by 15th August?

Dr. SURESH CHANDRA BANERJEE: Yes, Sir. If you like I can support Dr. Sanyal's amendment or if I have your permision I can move by own amendment.

Mr. SPEAKER: I think that will be better.

Dr. SURESH CHANDRA BANERJEE: Sir, after the speech delivered by my esteemed friend Dr. Nalinaksha Sanyal, I really would not have said anything but for two words of the Hon'ble Minister—one uttered by him and the other not uttered by him, but expressed in

writing. The word uttered is illogical and the other word written in connection with the Statement of Objects and Reasons is "incongruous". The second reason for my delivering this speech to-day is that the speech delivered by the Hon'ble Minister on this vital Bill has left me absolutely unconvinced.

Sir, there are two aspects of the question—one legal and the other political. What is the legal question? The legal question has been stated by the Hon'ble Minister in the Statement of Objects and Reasons. In that the Hon'ble Minister has definitely stated that the Government of India Act, 1919, exempted from vote all items of expenditure of which the amount was prescribed by or under any law. Then on the introduction of the present constitution it was laid down in paragraph 4 of the India and Burma (Transitory Provisions) Order, 1937, that the expenditure should continue to be non-voted or as charged up to 31st March, 1939. There are certain statutory items of expenditure which, according to the Government of India Act, 1919, were non-voted or charged, but have been made according to this order after the 31st March, 1939, voted. But in the Government of India Act, 1935, under section 78 (3) (g), power has been given to the Provincial Government to make necessary changes, i.e., to change an item which was voted into non-voted or charged.

Now, Sir, the Hon'ble Minister has said that it is incongruous to think that a sum which has been granted by the statute should be put to the vote of this Assembly again and again. Before going into the merits or demerits of the expression "incongruous" I would ask the House to think why a thing which in the Government of India Act, 1919, was considered should be charged was after two years in the Act of 1935 put as voted. Why is this difference? The makers of law found it necessary that there should be this difference, because they realised the fundamental nature of the change which has been brought about by this Act. According to the old Act, we had no democracy, we had no autonomy, and the old slavery practically in the old condition continued. But according to the new Act we have in the province got at least a semblance of democracy and that is the fundamental difference which has been brought about, and the makers of this order were fully aware of this difference that a certain amount of democracy has been introduced in the administration of the provinces by the Government of India Act, 1935.

Now, Sir, what is the essence of democracy? The essence of democracy is this, that those who pay rent or who provide the revenue must also decide as to how that revenue should be spent. The more the people get this right in a country, the more democracy there is. Already in the Provincial Budget about 15 to 18 per cent. of the total revenue is charged and about that money we cannot exercise any vote.

So although in the provinces at present we have got a kind of democracy, still out of the total Budget 15 to 18 per cent. is charged.

Now, Sir, if according to the Hon'ble Minister all these items also become "charged", then the percentage—I have not actually worked out the percentage—will probably come to about 25 per cent. Our democracy will then be no more and the little democracy that we have will be further crippled. So I am wondering why the Hon'ble Minister who is apparently so very intelligent could not understand this little thing that if we include all these items which have been put in the two schedules as "charged" items in the Budget, then the little democracy we have got will be further crippled. Therefore, it is not incongruous that these items should still continue as voted, but on the contrary it is incongruous to think that these items should henceforth be shown as "charged."

Now, there is a difference between "charged" and "voted" items. Sir, about this the Hon'ble Minister has said something which, I confess, I could not follow. On "voted" items we can not only speak and give our opinion but we can also vote on them and say "No" if we think it necessary. But about "charged" items we may say our say and express our opinion but we cannot give our vote on them, and we cannot stop any such expenditure from continuing. Sir, that fundamental right is taken away from us and to that extent our democracy, our freedom is crippled, and why this simple thing the Hon'ble Minister cannot understand I do not know. He has used the expression "illogical and incongruous" in this connection. But why? I can follow his mind in this respect. He does not and he cannot think in terms of democracy—he always thinks in terms of Fascism. Therefore, what is essentially democratic seems to him illogical and incongruous, and this gives us a picture of his mind.

Then, Sir, as regards the other point, if the 5½ lakhs of rupees which is granted every year to the Dacca University by this Government should continue henceforth as a "charged" item on which we will not be able to give any vote, then there is no reason why the other University of the province—the Calcutta University—should not also be given the same privilege. This House should also fix some amount for the Calcutta University, and that amount should be shown as a "charged" item year by year. Unless that is done, a great injustice will be done to the Calcutta University. It will then be not only illogical, not only incongruous, but it will be unjust, and it will show the spirit about which we have often spoken in this House and which I need not repeat here. Therefore, I request the Hon'ble Minister not to press this undemocratic and Fascist Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think none of the honourable members has given any valid reason as to why the Bill

should be circulated for eliciting opinion thereon, though that is the main motion, but they have spoken on the merits of the Bill. Their observations make it clear that this is really a matter for the House, and the House should consider whether those items should in future be treated as "charged" items or not. The public are not concerned with it. Therefore, Sir, on this ground I can very well oppose the motion.

But, Sir, I will not be fair if I do not say a word or two on the merits of the arguments that have been put forth by the other side, because I would like to correct the error which the honourable members of this House may have been led into by a certain statement made by such an erudite scholar as my friend, Dr. Nalinaksha Sanyal. He says that in the first place he would like to comment upon every kind of financial commitment of the Government of Bengal because if these items are charged there will be no power of discussion. (Rai HARENDRA NATH CHAUDHURI: No, no. No power of vote!) I know, you cannot vote on it. Therefore I used the word "incongruous" because if you want to vote on it, it will be a ridiculous thing. For, suppose that five lakhs of rupees is given to the Dacca University by an Act, and on the basis of that Act we put five lakhs of rupees in the Budget whatever the financial condition of the Government may be, you cannot by vote of this House, and without changing the Act, reduce the grant to four lakhs. But if you at any period of time consider that the five lakhs of rupees which is being allotted to the Dacca University is too much for its expenses then change the Act itself. That is an entirely different thing. There is no reason why you should reduce that amount in the Budget.

Now, Sir, I remember distinctly Dr Sanyal stating that they cannot discuss this item of expenditure.

Dr. NALINAKSHA SANYAL: Discussion on appropriate cut motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Section 79 of the Government of India Act says: So much of the estimates of expenditure as relates to expenditure charged upon the revenues of a province shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the *discussion* in the Legislature of those estimates, other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of the last preceding section, which deals with the Governor's salary and allowances, that is, apart from the salary and allowances of the Governor, other estimates can be discussed here. More than that, there is nothing to prevent you from altering the statute under which the Government is bound——

Rai HARENDRA NATH CHAUDHURI: You forget that the statute is obsolete.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know what the honourable member is talking about. The statute continues to be in existence until it is repealed.

Rai HARENDRA NATH CHAUDHURI: Then there would have been no necessity for your Bill at all—you forget that.

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot make the honourable member understand elementary finance and elementary budget principles, and since I cannot make him understand these things we must agree to differ.

Sir, there is nothing to prevent the honourable members from going into and discussing the details of every department at the time of the Budget discussion. (Dr. NALINAKSHA SANYAL: That is during the general discussion.) Dr. Sanyal has referred to a learned statement made in an editorial by the learned editor of the *Amrita Bazar Patrika* and placed it before the House. But, Sir, the learned editor of the *Amrita Bazar Patrika* is very apt to speak against any measure good or bad, even against the best measures, of this Government. Therefore, I think any reference to the comments of the learned editor is a little bit out of court in this Assembly when criticising Government measures. Sir, may I point out to the honourable members on the other side—I mean honourable members belonging to the Congress Party—that two Governments of theirs, viz., the Congress Government of the Central Provinces and the Congress Government of Assam, also introduced such a Bill—exactly a similar Bill—to charge items of expenditure arising out of statutory enactments. (Dr. NALINAKSHA SANYAL: Such items do not exist there.) I am afraid I am speaking from my book which is wholly correct. The Central Provinces and the Assam Governments have done so and it is quite clear that if these two Governments have done so, they must have done so with reference to certain items which did exist. They could not have produced an Act on air with reference to non-existent items. It has been stated that we are making a discrimination between the Calcutta University and the Dacca University. Dr. Sanyal knows very well that we are not doing so. He knew the answer to his question. We are charging only those items which we have to pay under the existing statutes, and the Calcutta University, as not coming under that category, has got to be excluded. The idea is not to charge payments to various bodies, but to exclude from the purview of the vote what we have to pay. If you are so anxious to ensure a certain annual payment to the Calcutta

University bring in a Bill similar to the Dacca University (Dr. NALINAKSHA SANYAL: That is your responsibility), but you will not do so, because the Calcutta University is continually making demands, its budget is changing and it is expanding——

Dr. NALINAKSHA SANYAL: So also is that of the Dacca University.

The Hon'ble Mr. H. S. SUHRAWARDY: Not to that extent. The Dacca University I may say (I do not wish to go into the merits of the administration of the two Universities) has to a very large extent accepted retrenchment recommendations of this Government which the Calcutta University has not done. I will leave it at that. That is not the reason why the Dacca University grant has been included and the Calcutta University grant has not been included. The sole reason is that one is a statutory grant, while the other is not. For instance, we pay the Dacca University a statutory grant of Rs. 5 lakhs and another one lakh for 10 years. That one lakh will not be a charged grant but a voted grant annually, and we shall not merely be able to discuss it, but to cut down the grant. It seems to me that if the members on the other side want to get opportunities for that purpose, they will have ample opportunities to cut down the grant to the Dacca University.

Dr. NALINAKSHA SANYAL: That one lakh is for a specific purpose.

The motion of Dr. Nalinaksha Sanyal that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1940, was then put and a division called.

Mr. SPEAKER: Before I ask you to divide I have to announce that immediately after you go to the lobby the House will adjourn for 20 minutes for prayer. I will declare the result of the division after adjournment.

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

AYES—55.

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Sobhan Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Choudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Dat Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.

Dolui Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumder, Mrs. Hemaprova.
Majumder, Mr. Jnanendra Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—84.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mirza, Mr.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Wahab Khan, Mr.
Abdur Rahman, Khan Bhadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hussain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafuddin, Mr. M.
Asiad Hussain Khan, Khan Bahadur Maulvi.
Badruddoja, Mr. Syed.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Chippendale, Mr. J. W.
Dain, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Golam Sarwar Hussaini, Mr. Shah Syed.
Gomes, Mr. S. A
Griffiths, Mr. G.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamilton, Mr. K. A.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Begum, Mrs. M.B.E.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Jalaluddin Ahmed, Khan Bahadur Maulvi.
Jalaluddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Ahmad, Maulvi.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Muhammad Ishaque Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustaqueul Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasirullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir K.G.I.E.
Noorudden, Mr. K.
Norton, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafder, Maulvi.
Roy, Mr. Patiram.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin Mr. Khwaja, C.B.E.
Shamsuddin Ahmed, Khondkar, Mr.
Sirdar, Babu Lilla Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. G.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahiru Ahmed Choudhury, Maulvi.

The Ayes being 55 and Noes 84, the motion was lost.

The question that the Bengal Revenue (Charged Expenditure) Bill 1940, be taken into consideration was then put and agreed to.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was then put and agreed to.

Clause 3.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that sub-clause (*3*) of clause 3 be omitted, and also that sub-clause (*4*) of clause 3 be omitted.

Sir, the object of moving these amendments is this. By these two sub-clauses power has been given to the Provincial Government by notification in the Official Gazette to include in or exclude from the Second Schedule any appropriate enactment. My submission is this, that the Provincial Government should not be given a power like this to include in the Second Schedule any appropriate enactment by notification in the Official Gazette. The power of determining which enactment can be appropriately included in the Second Schedule should be given to the Legislature. If any enactment is to be included in the Second Schedule or excluded therefrom in future, then a Bill should be brought forward by the Finance Minister for the purpose. But the appropriateness of the enactment should not be determined by the Government. This wide power should not be given to Government. In this matter, Sir, that power should not be taken from the vote of the House easily and the Government should not be invested with the power to determine as to which enactment to include in the Second Schedule and not to do so just as they like. My submission before the House therefore through you, Sir, is this, that the House should see its way to accept this amendment of mine and not to invest Government with any power to include any enactment in the Second Schedule which they like in future.

With these few words, Sir, I move these amendments for the acceptance of the House.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 3(*3*), line 3, for the words "any appropriate enactment" the words "any enactment specified in the Schedule or any amendment of such enactment" be substituted.

Sir, I have much pleasure to adopt the arguments that have been advanced by my friend Mr. Datta. He has already tackled the issue that is involved in this sub-clause. He has made it clear that the power to

include or exclude any enactment should remain with the Legislature and not be given to Government and, Sir, in that view I have also proposed this amendment of mine.

Mr. SPEAKER: At this stage I wish to point out that clause 3 is only applicable to those Acts which were existing in 1935 and but for the operation of those Acts other courses would have been taken.

Rai HARENDRA NATH CHAUDHURI: Yes, Sir, it is in line with that view. I have proposed "any enactment specified in the Schedule——

Mr. SPEAKER: It cannot refer to any new Act.

Rai HARENDRA NATH CHAUDHURI: But why not, Sir?

Mr. SPEAKER: Suppose in future an Act is passed, that will not come under clause 3.

Rai HARENDRA NATH CHAUDHURI: But any Act which may be considered appropriate by the Government of the day may be included other than those Acts which have already been mentioned in Schedules I and II. Our view is that the Government should not be given the power to enlarge the list of enactments mentioned either in the First Schedule or in the Second Schedule.

Mr. SPEAKER: Suppose under that Act money was payable to the local bodies——

Rai HARENDRA NATH CHAUDHURI: In that case it will come within the formula stated here, but in doubtful cases the question may arise whether an Act comes within the category of the Acts mentioned in Schedule II and who will determine that? Here Government takes the power by the words "any appropriate enactment" to determine which enactments should come under Schedule II and which not. We say that it will be a usurpation of the rights of this Legislature to do so. It is the right of the Legislature to amend an Act or a Schedule to an Act and that right should remain with the Legislature.

Mr. SPEAKER: Are you moving your amendment No. 4, Mr. Datta?

Mr. DHIRENDRA NATH DATTA: Sir, I have already moved it, along with my amendment No. 3.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose all the amendments. Sub-clause (3) of clause 3 is nothing very extraordinary. It is on the lines of a similar section in the Bengal Municipal Act of 1939, namely, section 557, and we have adopted it for the purpose of this Act. Rai Harendra Nath Chaudhuri's motion would cover a case if we wanted to exclude an enactment from the Schedule; but if we want to include a new enactment in the Schedule, it would not be covered by his amendment. Now, the question is what is it that is intended to be covered by this clause? Firstly, if there are certain minor amendments to be made to the Second Schedule, Government by notification will be able to make the amendments, and it will not be necessary for them to come to the Legislature, as we shall have to come in case there was any difficulty with regard to it. Secondly, suppose the Legislature by an enactment secures to, say, any self-governing institution a certain sum of money, then surely it is the desire of this Legislature that the money should be paid, and not that immediately after granting the amount, it should be refused.

Rai HARENDRA NATH CHAUDHURI: You cannot do that in view of the ruling given just now by the Speaker.

The Hon'ble Mr. H. S. SUHRAWARDY: That is how we read it. As to what is the real scope, that will be decided neither by myself nor by Rai Harendra Nath Chaudhuri.

The motions of Mr. Dhirendra Nath Datta that sub-clause (3) of clause 3 be omitted and sub-clause (4) of clause 3 be omitted were then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 3(3), line 3, for the words "any appropriate enactment," the words "any enactment specified in the Schedule or any amendment of such enactment" be substituted was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

First Schedule and Second Schedule.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in the First Schedule the words and figures "Central Act, the Dacca University Act, 1920," and all the entries against the said Act be omitted.

I beg further to move that in the First Schedule the words and figures "The Bengal Motor Vehicles Act, 1932," and all the entries against the said Act be omitted.

Sir, the Hon'ble Mr. Suhrawardy was misleading the House in his introductory speech when he said——

The Hon'ble Mr. H. S. SUHRAWARDY: The House did not get misled.

Rai HARENDRA NATH CHAUDHURI: The House chose to be misled. That is quite another matter. He was trying to mislead the House by saying that it was incongruous that the grants prescribed by specific statutes should not be given to the respective bodies as a matter of course, but should be voted upon. He clean forgot the provision made in the India and Burma Transitory Provisions Order. Let me place it before the House Sir, section 4 of that Order says:—

"In every province notwithstanding anything contained in the Indian Act or in any Order in Council made thereunder, but subject to any provision to the contrary which may be made by an Act of the Indian, the Federal or the Provincial Legislature—I stress these words, Sir,—passed in the exercise of the powers respectively conferred on them by the Indian Act.

(a) Any tax, fine, penalty or other sum of whatever nature required by or under any law as in force immediately before the commencement of Part III of the India Act to be credited to any local fund or other fund shall, during the two financial years next following the commencement of the said Part III, continue to be so credited and shall not during those years—I emphasize the words during those years—be deemed to be part of the revenues of the province."

And further sub-clause (b) says:—

"Any expenditure from provincial revenues the amount of which is prescribed by or under any law as in force immediately before the commencement of the said Part III shall in the said two financial years be deemed to be expenditure charged on the revenues of the province"—I again stress the words "in the said two financial years" in this sub-clause.

The Hon'ble Mr. Suhrawardy forgets that by the Government of India Act, 1935, of which he is also a creature and the Order in Council just quoted, these statutory provisions have been rendered nugatory. Had not that been the case, then there would have been no requirement for such a Bill as he has brought forward to-night, and that is made sufficiently clear by the preamble of section 4 which says, "subject to any provision to the contrary which may be made by an Act of the Indian Federal or Provincial Legislature," etc. That is, unless such an Act is passed, those previous statutory provisions

will be of no effect after the first two financial years. That is the clear meaning of section 4 of the India and Burma (Transitory Provisions) Order, 1937. Unless therefore you bring forward a measure and restore in effect the provisions of those old Acts, there will be no power with this Government——

Mr. SPEAKER: That means to say, the funds which were previously credited to local bodies are now supposed to be credited to the provincial funds. They don't want to take that money away. They want to give it to them.

Rai HARENDRA NATH CHAUDHURI: If that be so, that has got to be regularized by a new Act in view of the clear provision of the said Order. Herein lies the necessity of the enactment which is under consideration. Without this enactment Government will not be in a position to say that because certain provisions were made in such and such Acts, therefore the prescribed amounts must be given to such and such bodies. Government will not be able to do that, unless they keep in force those provisions by passing the proposed Act. The very necessity of the proposed measure arises from the fact that provisions of these Acts have been kept in force for the time being and after the first and second financial years have ceased to be operative.

Now, Sir, coming to the question, about the mention of the Dacca University Act in the First Schedule, I am reminded of the proceedings of the previous Council of the year 1925. Honourable members may have seen in the First Schedule the Dacca University Act, 1920, is described as a Central Act and section 47A is referred as included in the Central Act of 1920 and the House is given to understand as if section 47A was there in the original Act. The fact is otherwise. The Dacca University Act was passed by the Indian Legislature in the year 1920. Since then for the next five years, I mean from 1921 to 1925, the grants to the Dacca University had to be passed by the Bengal Council every year. It was only in the year 1925 that by the Bengal Act No. IV of 1925, section 47A was introduced in the Central Act, and since 1926 the Dacca University has been getting annually Rs. 5½ lakhs which is provided in section 47A of that Act.

Mr. FAZLUR RAHMAN (Dacca): As a statutory grant.

Rai HARENDRA NATH CHAUDHURI: Surely as a statutory grant, but not since the inception of the Dacca University, but five years after the Dacca University came into being, that is from the year 1926 onwards this statutory grant was secured for it.

The Hon'ble Mr. Suhrawardy may not have forgotten that. It may be unknown to the new members of this House, but not to Hon'ble Mr. Suhrawardy who was in the Bengal Council of 1925. Now, as to how the old Council was then induced to pass that Act, that is the Dacca University Amendment Act, I must inform this House by quoting a few words from the observations made by the Hon'ble Sir Abdur Rahim in introducing the Dacca University (Amendment) Bill, that was passed as Bengal Act IV of 1925. He said:—

"We are prepared so far as the present demand of the Calcutta University are concerned to examine the report of the Post-Graduate Committee and as we are trying to meet the needs of the Dacca University, we shall not only make the necessary grant, but shall make a statutory provision for the amount needed in the case of the Calcutta University. So the friends of the Calcutta University need have absolutely no apprehension in regard to this matter."

He went on further:—

"We are examining the demands of the Calcutta University for a recurring grant in a sympathetic spirit and when that is finished, we shall be prepared to make an adequate provision for the Post-Graduate Department. As I have said, we are also prepared to introduce a Bill for making a statutory provision for the Post-Graduate Department after we have examined the report of the Committee."

With this assurance, Sir, the old Council was induced to make a statutory provision for the Dacca University. [Mr. FAZLUR RAHMAN (Dacca): The Dacca University stood on its own merits.] I am not going to be deflected by your uninformed comments. (Laughter.) [Mr. FAZLUR RAHMAN (Dacca): Not uninformed. Better read the proceedings.] I don't require to read them, for I was in that Council and you were not. As I was going to say, Sir, not only was there that observation of the Hon'ble Member in charge of the Bill, viz., Sir Abdur-Rahim, but there was another observation—important or unimportant I do not know—by another member in that Legislature, namely, Mr A. K. Fazlul Huq, and he delivered himself thus:—

"Consider for a moment a possibility of there being a Minister unsympathetic towards the Dacca University..... Supposing the minimum is Rs. 5 lakhs or Rs. 4 lakhs, but the unsympathetic Minister to whom I have referred to, takes it into his head to make a demand of Rs. 2 lakhs only, you cannot have the University going on with that amount. This is a possibility and a contingency to be provided for. It is therefore necessary, and if that be necessary in the case of the Calcutta University also, make provision for fixed grants by means of statutory rules."

The real argument, therefore, Sir, for a statutory grant to the Dacca University was that there might be a Minister unsympathetic to the Dacca University and the University might not get the required money and the University work might be hampered for that reason. But, Sir, that argument cannot hold good now as there are so many patrons of the Dacca University in the present Ministry. But, Sir, the promise—I say, the promise in respect of the Calcutta University with which the old Council was induced to make a statutory grant only to the Dacca University—was never redeemed, and so far as this Government is concerned for the last three years it has never thought of redeeming that promise or pledge to which the present Chief Minister was a party. My point, therefore, is: If the Calcutta University can be carried on without a statutory grant, why must a statutory grant be provided for the Dacca University now in the year 1940? The University during the days of its infancy depended not on a statutory grant but on the annual grants made by the Legislature. As I mentioned before, for the first five years of its life it depended on the good-will of the Legislature for the required grant. Now, Sir, why should not that University depend again on this Legislature for the required annual grant? If another University in this province can be carried on without any statutory grant, then why should an invidious distinction be made in favour of the Dacca University and a statutory grant provided for that University and that University alone?

Sir, the real object for introducing this item in the First Schedule can only be to place the Dacca University beyond the criticism and control of this Legislature. I would, therefore, Sir, in the interest of democracy, ask the members of this House not to be hoodwinked by the arguments advanced by the Hon'ble the Finance Minister, but to stand on their own rights and to make the Dacca University as much dependent on the good-will of this Legislature as the Calcutta University is now dependent on it.

With these words, Sir, I support my amendment that the words "the Dacca University Act, 1920," etc., should be deleted, and quite in consonance with that proposal I am also moving that the words "The Bengal Motor Vehicle Tax Act, 1932," etc., should be omitted from the First Schedule. Of course, if it goes to voting and when the question is put the amendments will have to be put separately because these two amendments raise very different issues.

Mr. FAZLUR RAHMAN (Dacca): Sir, I am really sorry to see the opposition of my hourable friend Mr. Chaudhuri to the grant being made to the Dacca University and charged on the provincial revenues. I could not quite follow his logic. I could understand if he had wanted to have included in this Bill a statutory grant to the

Calcutta University. Perhaps I would be the first person to support such a suggestion, (Rai HARENDRA NATH CHAUDHURI: Since 1937 everybody was the first person!) (Laughter.) Sir, the attitude taken by Dr. Shyamaprasad Mookerjee last year in this connection should have ——.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I do not know if the honourable member has changed his seat. Rule 10 of the Assembly Procedure Rules states that "a member desiring to make any observation on any matter before the Assembly shall speak from his place, shall rise when he speaks, and shall address the Speaker." If he has become a Deputy Minister, of course I have no objection; rather I shall be very happy indeed. (Laughter.) But let us know first whether he has changed his seat.

Mr. FAZLUR RAHMAN (Dacca): Sir, really I could not understand the argument of Mr. Chaudhuri. Dr. Shyamaprasad Mookerjee, I presume, has a greater solicitude for the Calcutta University than anybody else, and he has also said; "I have no objection to a statutory grant being made to the Dacca University and charged on the revenues, but I will demand of this Ministry that a similar provision be made for the Calcutta University." I can understand that attitude, but I fail to understand what has actuated Mr. Chaudhuri to make a proposition like that before this House.

With regard to the question that the grant to the Dacca University depended on the assurance that a similar grant would be made to the Calcutta University, I should say that the Dacca University grant stood on its own merits. It had nothing to do with that assurance.

Dr. NALINAKSHA SANYAL: It had no policy behind.

Mr. FAZLUR RAHMAN (Dacca): Why are you impatient? Just listen to me and follow what I say and then you will know whether the Dacca University stood on its own merits or not. It has been charged that the Bill is intended to place the Dacca University beyond the criticism of this House. The Dacca University is not afraid of placing its record before anybody. Besides the statutory grant, Dacca University is also in receipt of an additional grant of Rs. 1½ lakhs from Government. That will provide the occasion to the House for criticising its activities.

Rai HARENDRA NATH CHAUDHURI: Sir, how can he antedate his information? He was not a member of the Legislature then

Mr. FAZLUR RAHMAN (Dacca): A grant of Rs. 5½ lakhs was made to the Dacca University every year and I know how to defend the activities of the Dacca University as against any University of the world.

Then with regard to the question that the Dacca University's claim in 1925 stood on its own merits, it was of course very good of the Hon'ble Member then to request the persons who were opposing the grant not to do so, but those stalwarts of the Calcutta University did not withdraw their opposition to the grant. If Mr. Chaudhuri had referred to the very same proceedings which he placed before the House a little more carefully, he would have seen that the stalwarts of the Calcutta University opposed the grant to the Dacca University, and the statutory grant was made to the Dacca University in spite of that opposition, because the Dacca University could make out a case that a statutory grant should be made to it.

Rai HARENDRA NATH CHAUDHURI: It is not a correct statement.

Mr. FAZLUR RAHMAN (Dacca): No amount of tricking will deviate me from my argument.

Then, Sir, with regard to the question whether Government has given effect to the assurance given to the Calcutta University, I can tell the House here and now that any educational institution which can make out a case for this claim on this Government will have our full support. Only a case is to be made out. If the Calcutta University can make out a case that will have the support of myself, and I hope of the Coalition Party if I have been able to represent their views correctly. (Dr. NALINAKSHA SANYAL: On communal lines?) No, not on communal lines but on its own merits, on its achievements, but till now it has not been able to make out a case.

Sir, I have answered the charge of Mr. Chaudhuri that this Bill is intended to place the Dacca University beyond the criticism of this House. I have already replied to his other points. I have nothing more to add. I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have not attempted to delude or hoodwink the House in any manner, and I am sure that the House can take care of itself, even if any such attempts are made, as they have been by my friends opposite.

Sir, I have not been able to clear the fog which enshrouds the intellect and intelligence of Rai Harendra Nath Chaudhuri on this subject. It would appear from his method of interpreting the law that a mere statement in the Government of India Act that

an item should, after two years, become voted under the Transitory Provisions Order of 1937, means that all the statutes are repealed by implication, and that my putting in this Revenue Charged Expenditure Bill restores the original position, and all the statutes are restored. Now, Sir, I am afraid, that is not the correct interpretation. The statutes remain and they cannot be repealed by implication at all. The whole question is whether the sums should be voted or not. Now, the incongruity arises from the fact that while on the one hand, a statute assures the Dacca University a sum of Rs. 5 lakhs, on the other the House which is the guardian of its own statutes can reduce that grant by Rs. 1 lakh. So, incongruity may thus arise and in order to prevent academic lawyers like Rai Harendra Nath Chaudhuri from losing their sleep——(Rai HARENDRA NATH CHAUDHURI: What about briefless barristers?) I don't know.

Now, in order to prevent them from losing their sleep and getting mixed up, we have brought in this order to clarify the situation.

Now, Sir, it is stated that because the Calcutta University has not been given a similar statutory grant, the Dacca University grant also should be eliminated from the Schedule and it has been pointed out that this matter has been mooted from 1925. Now, it is not the point of time which is relevant to the discussion of the merits as to why the Calcutta University has not been given the statutory grant. We all know that there has been a great deal of discussion from that time onwards and this Ministry, which is supposed, by implication, to be unsympathetic towards the Calcutta University, is the Ministry that secured a very substantial annual grant to the Calcutta University. It was previous to this that the Calcutta University did not know where it stood. Previous to this, it had to come up every time asking for more and more money for this item and for the other; we consolidated the various payments, and we secured to the University a grant with which it is at the present moment provided. Now, it is this unsympathetic Ministry that has done it.

Again, it is stated that this Ministry is sympathetic towards the Dacca University and that there is no need for including it in the Schedule. But, Sir, to-morrow if gentlemen holding views like Rai Harendra Nath Chaudhuri and Dr. Nalinaksha Sanyal regarding the Dacca University adorn the ministerial benches—we merely occupy and they will be adorning the ministerial benches—will they be sympathetic towards the Dacca University? It may be that the poor University may have to bear the brunt of their communal ill-feeling. It is in order to protect the University from such a contingency that we have thought it just as well that it should be included in the Schedule. (Dr. NALINAKSHA SANYAL: A good argument indeed!) Regarding the Calcutta University, I may say, as my friend, Mr. Fazlur Rahman has pointed out, that if a good case can be made out,

I have no doubt that the Hon'ble the Chief Minister will consider it sympathetically and put the grant under a statute. But, as a rather contentious Bill is about to be discussed by this House, the honourable members opposite will have ample opportunities to vent their spleen and create confusion, and this will prevent for some time to come a statutory grant being assured to the Calcutta University.

The motion of Rai Harendra Nath Chaudhuri that in the First Schedule the words and figures "Central Act, the Dacca University Act, 1920," and all the entries against the said Act be omitted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in the First Schedule the words and figures "The Bengal Motor Vehicles Tax Act, 1932," and all the entries against the said Act be omitted, was then put and lost.

The question that the First Schedule and the Second Schedule stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill, was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Revenue (Charged Expenditure) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Adjournment.

It being 7-52 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 7th August, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 7th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 195 members.

STARRED QUESTIONS

(to which oral answers were given)

Hours of duty of Resident Medical Officers.

*117. **Mr. RASIK LAL BISWAS:** Will the Hon'ble Minister in-charge of the Public Health and Local Self-Government Department be pleased to state—

(i) the hours of duties, including night duties, if any, of the Resident Physician or Resident Surgeon or Resident Medical Officers of—

(1) the various hospitals of the Medical College,

(2) the Presidency General Hospital,

(3) the Shambhu Nath Pandit Hospital,

(4) the Howrah General Hospital, and

(5) the Carmichael Hospital for Tropical Diseases;

(ii) the amount of the allowances, if any, given to them;

(iii) the nature of their work during night hours; and

(iv) the average number of calls they have to respond to on every night on duty?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): A statement containing the information is aid on the Library table.

Cases of theft and burglary in Dinajpur town.

***118. Maulvi ABDUL JABBAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the fact that daring cases of theft in broad daylight as well as during the night have created a panic in the town of Dinajpur?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the total number of theft cases in the town during the last three months; and

(*ii*) whether the offenders in all the cases have been detected?

(*c*) Will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken to prevent the commission of such crimes?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The occurrence of some night and day burglaries caused a temporary stir in the town but since the unearthening and effective handling of two gangs of foreign criminals whose activities were responsible for the increase of crime there has been a definite improvement in the situation and crime has decreased in the town.

(*b*) (*i*) There were 18 cases of burglaries and 12 cases of thefts for the period from April to June, 1940.

(*ii*) In as many as 11 of the 18 cases of burglaries and in 4 of the 12 cases of thefts the culprits were detected and sent up. Of these, 9 cases of burglaries and one case of theft ended in conviction, while the remaining cases are *sub judice*.

(*c*) Vigorous steps have been taken by the local police to bring the offenders to book, while the town patrol scheme has been lately revised and made more effective.

Victims of Defence of India measures.

***119. Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*a*) the number and names of persons who have been arrested and detained without trial in different jails of Bengal under the Defence of India Act, 1939;

(*b*) the dates of their arrests and periods of detention;

(c) the sections of the Act or Rules under which they have been kept in detention; and

(d) the number and names of persons who have been externed from their places of activities in Bengal under the said Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

I am not prepared to supply the honourable member with the names of those arrested, detained or restrained as I do not consider that in the public interest the names of these individuals should be divulged.

Statement referred to in the reply to starred question No. 119.

(a) Number of persons arrested and detained without trial—71.

(b) and (c) The dates of arrests, period of detention and the sections of Act and Rules under which detained—

(1) One was arrested on the 5th October, 1939, under rule 129 of the Defence of India Rules. Released on the 14th November, 1939.

(2) One was arrested on the 21st December, 1939, under rule 129 of the Defence of India Rules. Released on the 15th January, 1940.

(3) Two were arrested on the 21st December, 1939, under rule 129 of the Defence of India Rules. Released from bail bonds under the orders of Government issued on the 22nd February, 1940.

(4) One was arrested on the 22nd December, 1939, under rule 129 of the Defence of India Rules. Released on the 16th January, 1940.

(5) One was arrested on the 25th December, 1939, under rule 129 of the Defence of India Rules. Released on the 23rd January, 1940.

(6) One was arrested on the 25th January, 1940, under rule 129 of the Defence of India Rules. Government order for release was issued on the 8th February, 1940.

(7) Three persons were arrested on the 26th January, 1940, under rule 129 of the Defence of India Rules. Orders of release issued by Government on the 7th February, 1940.

(8) One was arrested on the 6th February, 1940, under Defence of India Rule 129. Government order for release was issued on the 15th February, 1940.

(9) One was arrested on the 1st April, 1940, under rule 129 of the Defence of India Rules. Subsequent action taken under rule 39 of the Defence of India Rules.

(10) One was arrested under rule 129 of the Defence of India Rules on the 24th April, 1940. Subsequently no action was taken.

(11) One was arrested on the 13th July, 1940, under rule 129; but was subsequently released.

(12) One was arrested on the 22nd July, 1940, under rule 129 of the Defence of India Rules. Was released on the 23rd July, 1940.

(13) Nineteen persons were arrested on the 13th April, 1940, under rule 129 of the Defence of India Rules.

One person was arrested on the 12th April, 1940, under rule 129 of the Defence of India Rules.

Two persons were arrested on the 15th April, 1940, under rule 129 of the Defence of India Rules.

Two persons were arrested on the 17th April, 1940, under rule 129 of the Defence of India Rules.

One person was arrested on the 23rd April, 1940, under rule 129 of the Defence of India Rules.

All these persons have been detained for an indefinite period under rule 26 of the Defence of India Rules.

(14) Two persons have been detained under rule 26 of the Defence of India Rules under the orders of the Government of India.

(15) One person was arrested on the 2nd July, 1940.

Three persons were arrested on the 3rd July, 1940.

Seven persons were arrested on the 5th July, 1940

Two persons were arrested on the 6th July, 1940.

One person was arrested on the 9th July, 1940.

One person was arrested on the 11th July, 1940.

Five persons were arrested on the 12th July, 1940.

Two persons were arrested on the 16th July, 1940.

Three persons were arrested on the 17th July, 1940.

At present these persons have been ordered to be detained for a period of 45 days from the date of their arrest under rule 129 of the Defence of India Rules.

(16) One person is detained in the Parole Settlement Camp, Katapahar, under rule 26 of the Defence of India Rules. Arrested on the 11th June, 1940, under rule 129.

(17) Two persons were arrested on the 23rd July, 1940, under rule 129 of the Defence of India Rules, but have since been released.

(18) One person was arrested on the 25th July, 1940, under rule 129 of the Defence of India Rules from SS. "Jalapadma".

(*d*) The number of persons externed—265 (98 orders issued by Government and 167 by District Officers).

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to say how public interest will suffer by the divulgence of the names of persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, there are many persons who have since gone underground, that is to say, we cannot trace them, and, therefore, if the names of those who have been arrested are made known, people will know who are arrested and who are underground.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the names of persons arrested, externed, restrained and detained have been published in all the newspapers?

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case the honourable members do not require the information.

Mr. PRATUL CHANDRA CANGULY: With reference to statement (14), viz., two persons have been detained under rule 26 of the Defence of India Rules under the orders of the Government of India, will the Hon'ble Minister be pleased to state when they were arrested and whether one of them was arrested on the 2nd of July?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL CHANDRA KUMAR: With reference to answers (*b*) and (*c*) (15), viz., these persons have been ordered to be detained for a period of 45 days, will the Hon'ble Minister be pleased to state what is the maximum period for which they can be detained?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are various rules and under certain rules they can be detained so long as Government want.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister please enlighten the House as to whether the persons referred to in item No. (15) are the persons arrested in connection with the Holwell Monument?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: With reference to item No. (15), will the Hon'ble Minister be pleased to state whether any of these persons arrested was arrested in connection with the Satyagraha movement?

Mr. SPEAKER: I have said that that question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state under which category Mr Narendra Narayan Chakrabarty, a member of this Assembly, falls?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how long Government intend to detain him?

Mr. SPEAKER: Ordinarily this question does not arise, but as he is a member of this House, I will allow this question as a special case.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have not come to any decision on this question as yet.

Babu KHAGENDRA NATH DAS GUPTA: With reference to answer (*b*) (14), viz., two persons have been detained under rule 26 of the Defence of India Rules under the orders of the Government of India, will the Hon'ble Minister be pleased to state when these two persons have been arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have asked for notice.

Mr. SURENDRA NATH BISWAS: In view of the fact that Government have decided to remove the Holwell Monument and the Satyagraha movement has been suspended, will the Hon'ble Minister be pleased to state if Government are considering the desirability of releasing those persons who have been arrested in that connection?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that Government have come to no decision as yet on this question.

Improvement of arrangements and sanitary conditions in Dum Dum Central Jail.

*120. **RAI HARENDRA NATH CHOWDHURI:** With reference to the reply to unstarred question No. 27 of the 21st February, 1940, will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) which of the suggestions for improvement of sanitary and other arrangements made by the Board of Visitors have not yet been carried out and why;

(*b*) the result of the consideration by the Inspector-General of the provision of better segregation of prisoners suffering from tuberculosis; and

(*c*) whether the Government are considering the desirability of issuing orders for larger provision of fish instead of *dal* to the Bengalee prisoners in the jail having regard to the incidence of such diseases as diarrhoea and dysentery, particularly in the summer and the rainy seasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) The matter is still under examination

(*c*) No.

Statement referred to in the reply to sub-clause (a) of starred question No. 120.

DUM DUM CENTRAL JAIL.

IMPROVEMETTS SUGGESTED BY THE BOARD OF VISITORS

Name of work.	Progress made.
1. Hospital and general kitchens full of flies—Should be fly-proofed.	Work completed.
(*a*) provision of smoke proof *chulla*, and (*b*) ventilators in hospital kitchen.	(*a*) Work completed. (*b*) Work in progress.
2. Defective drainage system ..	Completed.
3. Appointment of a Communications and Works Department officer as a Jail Visitor.	Done.
4. Screening of latrines ..	Completed.
5. Defective interview room, insufficient light and ventilation in newly-constructed cubicle for interview.	(*i*) Estimate for installation of bulkhead lights for Rs.191 received. (*ii*) Estimate and plan for improvement of glass and wire partition awaited from Communications and Works Department.

Mr. SPEAKER: Next question (Secretary: 121).

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. How is it that 120 is passed over.

Mr. SPEAKER: The question was called and no supplementary question was put.

Mr. ATUL KRISHNA GHOSE: It is simply impossible to put any supplementary question if no opportunity is given to the members to rise up.

Mr. SPEAKER: You ask any member of the Opposition or rather you ask Mr. Jogesh Chandra Gupta whether the question was called or not.

Mr. SURENDRA NATH BISWAS: In view of the small number of questions, will you kindly allow us to put a few supplementary questions?

Mr. SPEAKER: I will certainly consider that matter.

Noabad Taluks, Chittagong.

***121. Khan Bahadur MD. ANWARUL AZIM:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the allowance (per cent.) allowed to intermediary tenure-holders by the Settlement Officer of Chittagong during the last Revisional Survey in respect of Noabad Taluks?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the total area of—

(1) Taluk No. 34065, and

(2) Noabad Izara No. 2674;

(*ii*) the total collection made from the *raiyats* of these estates; and

(*iii*) the revenue payable to Government by each of these mahals?

(*c*) Is it a fact—

(*i*) that the entire area of these 2 *mahals* has been leased out to the *raiyats*; and

(*ii*) that there is no span of land in *khas* as *khila*.

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The allowance granted generally varied from 15 to 25 per cent.

(*b*) A statement is laid on the table.

(*c*) (*i*) No.

(*ii*) There is no *khila* land held in *khas* in Taluk 34065 but in Noabad *ijara* 2674 as much as 470·35 acres of *khila* lands are held in *khas*.

Statement referred to in the reply to clause (b) of starred question No. 121.

Name of estate.	Total area.	Total collections from raiyats.	Revenue payable to Government.
	Acres.		Rs. a.
Taluk No. 34065 ..	2·06	All the lands of the Taluk are in *khas* possession of the Talukdar.	5 0
Noabad Izara No. 2674.	3,112·59	Rs.13,367-4 ..	6,664 4

Process-servers under the District Judge, Tippera.

*122. **Maulvi ABDUL HAMID SHAH:** With reference to the reply to starred question No. 172 of the 4th March, 1940, will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the names of the—

(*i*) permanent process-servers,

(*ii*) temporary process-servers, and

(*iii*) probationer process-servers

appointed in the district of Tippera during the year 1938;

(*b*) their ages on entry into the service; and

(*c*) the relationship, if any, amongst them?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): A statement is laid on the table.

Statement referred to in the reply to starred question No. 122.

Names of process-servers appointed.	Permanent, temporary, or probationer.	Age on the date of appointment.	Relationship amongst themselves.
1	2	3	4
		Yrs. m. d.	
(i) 1. Harendra Kishore Deb ..	Permanent ..	21 10 4	No.
2. Ibrahim ..	Do. ..	20 4 27	No.
3. Abani Mohan De ..	Do. ..	18 6 0	No.
4. Neaj Ali ..	Do. ..	21 6 16	No.
5. Mon Mohan Mali ..	Do. ..	22 5 27	No.
6. Tota Meah ..	Do. ..	23 6 17	No.
7. Chand Meah ..	Do. ..	26 8 25	No.
8. Abdul Latif ..	Do. ..	20 10 13	No.
9. Ali Ahmed ..	Do. ..	23 7 8	No.
10. Abdus Somed Khan .	Do. ..	26 2 0	No.
11. Muslem Ahmed ..	Do. ..	22 0 11	No.
12. Jatindra Kr. De ..	Do. ..	21 5 21	No.
13. Abdul Haque .	Do. ..	30 10 10	No.
14. Kalimulla ..	Do. ..	22 11 11	No.
(ii) 15. Basiruddin ..	Temporary ..	21 9 16	No.
16. Hem Chandra Roy ..	Do. ..	22 3 26	No.
(iii) 17. Anath Bondhu Chakraborty	Probationer ..	19 11 26	No.
18. Jitendra Chandra De .	Do. ..	22 6 26	No.
19. Shibdas Bhattacharjee .	Do. ..	19 4 1	No.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Land Mortgage Banks in Jessore.

69. Khan Bahadur Maulana AHMED ALI ENAYETPURI: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing—

(*a*) the present number of Land Mortgage Banks in Jessore;

(*b*) the places where they are located;

(c) the persons who have been granted loans by those banks on land security in the years 1937, 1938, 1939 and up to June, 1940; and

(d) the amounts of the loan given to each of them?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) One.

(b) Jessore town.

(c) Twenty persons were granted loans in 1937-38, 9 persons in 1938-39 and 6 persons in 1939-40.

(d) Total loan issued in 1937-38 is Rs.14,780, in 1938-39 Rs.2,745 and 1939-40 Rs.2,930.

Introduction of prohibition in Tippera.

70. Mr. DHIRENDRA NATH DATTA: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact that the Government contemplated introducing prohibition in the district of Tippera by abolishing country liquor and *ganja* shops?

(b) Will the Hon'ble Minister be pleased to state what was the number of—

(1) country liquor shops, and

(2) *ganja* shops,

in December, 1938, December, 1939, and in July, 1940, respectively (shops to be shown separately)?

(c) What steps, if any, have the Government taken since the end of budget session, 1940, for the introduction of prohibition in the district of Tippera?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT): (the Hon'ble Mr. Prasanna Deb Raikut): (a) and (c) A scheme is being prepared and the matter is still under consideration.

(b) (1) Fifteen in December, 1938, 14 in December, 1939, and 14 in July, 1940.

(2) Forty-four in December, 1938, 43 in December, 1939, and 43 in July, 1940.

Sheristadars in District Offices in Bengal.

71. Khan Sahib Maulvi MD. SOLAIMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing with respect to the Collectorates in the districts of Bengal—

(*i*) the present number of—

(1) office Superintendents, and

(2) Sheristadars;

(*ii*) the number of them that are Muslims;

(*iii*) the number of the Muslims that existed in January, 1936: and

(*iv*) the number of them that are on extension after 55 years of age?

(*b*) Will the Hon'ble Minister be pleased to state the number of appointments made in the year 1937-38, 1938-39 and 1939-40 as—

(1) Office Superintendents; and

(2) Sheristadars in the Collectorates of the Province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no Sheristadar in any district office as the designation "Sheristadar" has been changed to "Office Superintendent". A statement furnishing the information in respect of Office Superintendents is laid on the table.

Statement referred to in the reply to unstarred question No. 71.

(1) The present number of Office Superintendents in Collectorates	26	
(2) The number of Office Superintendents who are Muslims	2	
(3) The number of Muslims employed in January, 1936	2	
(4) The number of Office Superintendents who are on extension after 55 years of age ..	Five Superintendents now in service are above the age of 55 years. Retirement of clerks at the age of 55 years is not compulsory under the rules and their retention in service till 60 years of age is not treated as extension of service.	
(5) Number of Office Superintendents appointed	1937-38 ..	2
	1938-39 ..	3
	1939-40 ..	8

Mr. SYED ABDUL MAJID: With reference to answer (5), viz., number of Office Superintendents appointed in 1939-40.....8, will the Hon'ble Minister be pleased to state if there is any Muhammadan Office Superintendent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes; one was appointed in 1939-40 and another was offered a post in 1940-41, but he refused to accept it.

Mr. ABDUL WAHAB KHAN: Out of 26 Office Superintendents only there were two Muslims in January, 1936, and there were 13 appointments from 1937-40. Will the Hon'ble Minister be pleased to state why there has been no Muslim appointments from 1937 till 1940 as will appear from the answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are not the same persons. There were two appointments since 1937.

Mr. ABDUL WAHAB KHAN: How?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They are not identical persons. Those two retired.

Mr. SPEAKER: Questions over.

(Mr. Abdul Wahab Khan wanted to put more questions.)

Mr. SPEAKER: I am sorry, I cannot allow you now.

(Immediately after Questions were finished.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, may I request that you will be good enough to allow me and those honourable members who rose to put supplementary questions on starred question No. 120 to do so now?

Mr. SPEAKER: Not now, to-morrow. I shall let you have an opportunity of putting supplementary questions on this question to-morrow.

Mr. SURENDRA NATH BISWAS: Thank you, Sir.

GOVERNMENT BILL.

The Bengal Alluvion and Diluvion (Amendment) Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Alluvion and Diluvion (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill be taken into consideration.

Rai HARENDRA NATH CHAUDHURI: I beg to move by way of amendment that the Bill be referred to a Select Committee consisting of—

(1) Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Mr. M. Ashrafali,
(3) Mr. Abdul Wahab Khan,
(4) Mr. Syed Hassan Ali Chowdhury,
(5) Mr. Upendra Nath Barman,
(6) Mr. Tarak Nath Mukherjee,
(7) Mr. Manmatha Nath Roy,
(8) Mr. Sasanka Sekhar Sanyal, and
(9) the mover,

with instructions to submit their report by the 14th August, I that the quorum of the Select Committee be fixed at five.

Sir, I very much appreciate the object with which the Hon'ble Sir Bijoy Prasad Singh Roy is going to introduce the Bengal Alluvion and Diluvion (Amendment) Bill, 1940. His object, if I am right, is to secure the reinstatement of the *sadar jama* or the revenue in respect of submerged lands which reappear and in respect of which previously abatement of revenue was granted. Now, Sir, in the Statement of Objects and Reasons he has explained the necessity of this amending Bill by referring to the decision of the Judicial Committee of the Privy Council in the case of the Secretary of State *vs.* the Midnapore Zemindary Company. But, Sir, my point is that even if this Bill be enacted, it will not serve the purpose for which it is going to be introduced, because I think that even if there be a section as the Hon'ble Minister is proposing to introduce in the Act of 1847, still it may not be possible for him to secure the revenue in all cases. I would ask him to consider in particular what would have been the effect of such

a section had there been such a section in the original Act even before the decision in the Midnapore Zemindary case. Such a section would not have in my humble opinion stood the Government in good stead and would not have enabled the Government to secure a favourable decision in the Midnapore Zemindary Case. Sir, what was that case? The case, in short, was in respect of an estate in the Rajshahi district, part of whose land was washed away and under section 5 of the Act (Act IX) of 1847 there was an abatement of Government revenue in respect of the lands that were submerged. But, Sir, the lands were settled in *patni* with the Midnapore Zemindary Company, and the *patnidars*, I means the Midnapore Zemindary Company, did not get any abatement of their rent from the zemindars. In spite of that fact, when the submerged lands re-emerged or rather reappeared, the Government proceeded to survey the land and to settle the rents under Chapter X of the Bengal Tenancy Act apparently on the footing that they were accreted lands to the estate. Now the Midnapore Zemindary Company, *i.e.*, the *patnidars*, objected to the proceedings, and they brought suits to have it declared that those proceedings were illegal and could not be taken. Now, Sir, the trial court held that as the lands only reappeared in the original position, *in situ*, and there was no accreted land, that is to say, no lands were added to the estate as contemplated in section 6 of the Act of 1847, therefore the proceedings were illegal, and hence the Midnapore Zemindary Company succeeded at the trial court. But on appeal to the High Court two of the most eminent Judges of the High Court came to the decision that when the zemindars of the estate got abatement of revenue of the submerged lands, then it must be presumed that the zemindars abandoned their right, title and interest to the submerged lands and therefore when the lands reappeared the lands were assessable as lands added to the estate. That was the position taken up by the High Court. But when the Midnapore Zemindary——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Will the honourable member kindly make it clear why he wants this Bill to go to a Select Committee? He is only reiterating the judgment of the trial court and the High Court.

Rai HARENDRA NATH CHAUDHURI: If the Hon'ble Minister wants to have it cleared by me, then let him be patient and try to understand the arguments that will follow.

Then, Sir, when the Midnapore Zemindary Company appealed to the Judicial Committee of the Privy Council, the Privy Council held that because of the abatement there was no abandonment of right, title and interest on the part of the zemindar and therefore there could not be any fresh survey and settlement because the lands belonged to the

permanently-settled estate as they reformed *in situ* and as such the lands were not assessable as added lands, because under Act IX of 1847, only two courses were open to the Government, namely, first to allow deduction in case where there was diluvion and, secondly, to assess rent or revenue for accreted lands, lands added to the estate—not lands reformed *in situ*. That was the decision of the Judicial Committee of the Privy Council, and in making that decision the judgement that was delivered by Lord Maugham clearly stated the law in the following terms:—

"Leaving aside for the moment the question of abandonment it seems to their Lordships to be clear that section 5 does not purport to transfer the title of the site which has been covered by water. All that is predicated as to the land is that it has been washed away from or lost to any estate paying revenue directly to Government. In other words, the cultivable soil has been washed away and the river now flows over the site so that under normal circumstances no income can be derived from it. The Legislature must be taken to have been well aware that this alone would not avail to shift the title of the site from the zemindar to the Government. In these circumstances, their Lordships with great respect to the opinions expressed by Mr. Justice Mukherjee and Mr. Justice Mitter are unable to take the view that the effect of an abatement of revenue taken for the portion of the estate washed away must be regarded as an abandonment of that portion of the estate for the benefit of the public domain."

Thus the law as it was interpreted by the Judicial Committee of the Privy Council was that mere submergence, the mere fact that the land was washed away, did not transfer the right and title of the zemindar in the permanently-settled property to the State or Government. Sir, what would be the effect of an abatement when an abatement of land revenue was taken? They clearly said—well, that was the statutory or the mandatory provision of the Act under which the Government was bound to remit the portion of the land revenue in respect of the land that was submerged, but merely by accepting abatement the zemindars did not transfer and could not be presumed to have transferred their right, title and interest in the submerged land to the State. So that was legally the position. Now, Sir, what about the revenue? Lord Maugham pointed out further that it might be presumed that it was a *casus omissus* so far as the revenue position was concerned, and he stated:—

"It may be asked what then is the position from the revenue point of view when the land or a portion of it emerges. There are two possible views; the first is that an implication may be derived from the Act that when land reappears after a deduction has been given, there ought to be a corresponding reinstatement of the proper proportion of

the *sadar jama*; the second is that the case of reappearance has not been dealt with and in other words that it is *casus omissus* in the Act. Their Lordships are unable to deal with the first view in the absence of any arguments upon it; there are no doubt serious difficulties"—I would ask the Hon'ble Minister to attend to these words—"there are no doubt serious difficulties which will have to be duly considered if the Government makes a claim of the kind indicated .....In any case a possible defect of that kind in an Act concerned with taxation cannot alone be a ground for implying a clause imposing an obligation on the subject for which there is otherwise no warrant."

In view of these observations, my point is that if it is a fact that mere acceptance of abatement of land revenue does not transfer the right, title or the interest of the zemindar to the State, you cannot dissociate possession from ownership, and all that——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is nobody's case.

Rai HARENDRA NATH CHAUDHURI: That is your case. That is the assumption on which the Bill appears to be framed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not.

Rai HARENDRA NATH CHAUDHURI: Let me read out then the new section 5A, which the Hon'ble Minister proposes to enact. It runs thus:—

"Whenever any land which has been washed away from or lost to any estate paying revenue directly to Government reappears above the water and reforms at the original site of such land, the proprietor of the estate from the *sadar jama* of which a deduction has been made under section 5 on account of the land so washed away or lost, shall have the right to resume immediate possession of the land so reformed, subject to the payment of revenue in respect thereof with effect from the date on which such revenue is assessed."

That is, the Bill before us proposes that the proprietor will have the right to resume possession, as if his possession ceased at some time, provided he agrees to pay the extra revenue. But how can the Hon'ble Minister think that there has ever been dissociation of ownership and possession? Having regard to Lord Maugham's comments, and the law as stated by him, you have got to admit that the possession remained with the landlord. You cannot by enacting this provision say that the landlord will not have possession unless he agrees to pay additional revenue. The possession was and is with him. You cannot by this new provision divest him of his right to the possession of the land. Not only that; you have got also to consider the bearing of

new section 86A of the Bengal Tenancy Act. There also, under the newly amended provision, the under-tenant has his right to the land and he has the right to enjoy the land from the time the land reappears on payment of rent. Therefore, his right to possession also subsists. My point therefore is that Government by this proviso will not be able to dissociate ownership and possession and the landlord will not be bound to take fresh settlement or possession from Government. That is my first point.

My second point is, suppose the land is permanently settled with a permanent tenure-holder, for instance a *putnidar* or a *maurashi mokraridar* and he continues to pay the rent of the submerged land and has not given up the possession of the land. Simply by enacting this provision, you cannot divest the permanent tenure-holder of his possession of the land. The *maurashidar* or the *putnidar* continues to pay the rent and the landlord continues to enjoy the rent realised from him as was the fact in the Midnapore Zemindary Case. The landlord there will have no difficulty as he continues to enjoy the rent paid by the under-tenant. In such a case, why should he even think of taking a fresh settlement from the Government or agree to pay extra revenue for the reappeared land I for myself cannot understand If the Bill is passed in this shape, I am afraid, it will give rise to further litigations only and will not serve the purpose which it is intended to serve.

To get the drafting defects removed, therefore, I propose that the Bill be referred to a Select Committee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am extremely obliged to my friend Rai Harendra Nath Chaudhuri for sounding a note of caution, but I am afraid his interpretation of the proposed section is not correct. It is nobody's case that the landlord in a permanently settled area loses his right. In fact, that point has been made perfectly clear in the judgment of their Lordships of the Judicial Committee of the Privy Council. What Government are asking is that they should have the power of reassessing the revenue for the land reformed *in situ*. That is the only right they are asking. There is now a hiatus in the Act as pointed out by their Lordships of the Judicial Committee. Suppose the zemindar——

Mr. SPEAKER: Under this Act he will not take possession unless he agrees to pay the land revenue.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The possession remains with the zemindar.

Mr. SPEAKER: He will not be able to resume possession of the land which is reformed until he pays the revenue.

Rai HARENDRA NATH CHAUDHURI: Sir, what does the Hon'ble Minister mean when he says that the possession remains with the landlord and he will not be able to resume possession of the land.

Mr. SPEAKER: That is quite clear. So long as the factum of the land does not actually exist, it may be the right is with him, but the actual fact is that the land does not exist. Therefore when the land appears——

Rai HARENDRA NATH CHAUDHURI: Then, the law will put him in possession.

Mr. SPEAKER: No, this law will obstruct.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government does not challenge the title which remains with the proprietor. All that the Government want is the right to reassess revenue for the land which has reappeared.

Rai HARENDRA NATH CHAUDHURI: You cannot divorce ownership and possession.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The next question is how Government will secure their revenue. The reassessed revenue will form part of the total revenue of the estate. If the proprietor does not pay the additional revenue reassessed, the whole estate will be brought to sale and the landlord will lose his property.

Rai HARENDRA NATH CHAUDHURI: He does not make any engagement at all.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no question of engagement. It will not be necessary. As a matter of fact——(RAI HARENDRA NATH CHAUDHURI interrupted.)——I hope Rai Harendra Nath Chaudhuri will kindly listen to me. I have listened to him very patiently, and I hope he will listen to me in the same way. Suppose Rs. 1,000 was the original *sadar jama* of an estate, one-fourth of that estate was diluviated, so that Rs. 250 of the *jama* was abated. Now, that whole area reappears, and there is land reformed *in situ*. Government under this Bill, if this Bill is passed into law, will have the right of reassessing revenue to the extent of Rs. 250, so that the *sadar jama* of the estate will again be Rs. 1,000 instead of Rs. 750, and if the landlord does not pay the whole thousand rupees, the estate will be brought to sale.

Rai HARENDRA NATH CHAUDHURI: How?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Under the Revenue Sales Act, so that Government revenue would be absolutely secure.

As regards the other point, namely, what about possession if the estate is leased out in *patni*, and if the *patnidar* has not received any abatement from his landlord? That is an arrangement between the *patnidar* and his zemindar. So, I do not think Government need take into consideration that question. If the *patnidar* wants abatement, he can do so under section 86A of the Bengal Tenancy Act. He can surely claim abatement under that section, but if he does not, it is his lookout. So, there is no difficulty about the security of Government revenue, and I think my friend has thoroughly misunderstood the scope of the proposed section.

Rai HARENDRA NATH CHAUDHURI: Very well, you will see you will have to come before the House again with an amendment in the near future.

The motion of Rai Harendra Nath Chaudhuri, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) Hon'ble Sir Bijoy Prasad Singh Roy,

(2) Mr. M. Ashrafali,

(3) Mr. Abdul Wahab Khan,

(4) Mr. Syed Hassan Ali Chowdhury,

(5) Mr. Upendra Nath Barman,

(6) Mr. Tarak Nath Mukherjee,

(7) Mr. Manmatha Nath Roy,

(8) Mr. Sasanka Sekhar Sanyal, and

(9) the mover,

with instructions to submit their report by the 14th August, 1940, and that the quorum of the Select Committee be fixed at five, was then put and lost.

The motion that the Bengal Alluvion and Diluvion (Amendment) Bill, 1940, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clauses 2 and 3.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 2, in the proposed section 5A, in line 9, after the words "so reformed" the following words be inserted, namely:—

"in the manner in which he was in possession of before the land was washed away or lost to any estate."

Sir, it has been stated that after the land which has been washed away or lost reappears and reforms at the original site of the land, the proprietor shall have the right to resume immediate possession of the land so reformed. But if the land was in the possession of a tenant and if the proprietor was in possession through tenant, what will happen? In order to make that point clear there should be a clear provision that the proprietor will get possession in the manner in which he was in possession of it before the land was washed away or lost to any estate, so that if he was in actual possession of the land he will get possession in the same way; if he was in possession through *patni* he will get possession through *patni*; if he was in possession of the land through a *raiyat* he will get possession through the *raiyat*. Probably, the intention of the clause itself is that the landlord will resume possession of his land in the same way as before——

Mr. SPEAKER: The word "resume" means that he will get possession of the land in the same way as before. If the landlord was only given possession, then perhaps your meaning might be possible. But resumption of possession must have reference to the old manner of possession. I think your amendment is not necessary.

Mr. DHIRENDRA NATH DATTA: Sir, my amendment will make the meaning clear, namely, that the landlord will get possession in the same way as he was in possession before. If that be the intention of Government, then there is no reason why my amendment should not be accepted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment. As a matter of fact, it is absolutely unnecessary and superfluous, because section 86A gives the right to the tenant, and moreover the amendment is not a practical suggestion. For instance, there might have been tenants who have disappeared from that locality. How could a landlord come to possession exactly in the same way as he used to be, say, 50 years ago?

The motion of Mr. Dhirendra Nath Datta that in clause 2, in the proposed section 5A, in line 9, after the words "so reformed" the following words be inserted, namely:—

"in the manner in which he was in possession of before the land was washed away or lost to any estate,"

was then put and lost.

The question that clauses 2 and 3 stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Alluvion and Diluvion (Amendment) Bill, 1940, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Adjournment.

It being 5-20 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 8th August, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 8th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Communal ratio of clerks in office of Registrar of Joint Stock Companies, Bengal.

*123. **Alhadj GYASUDDIN AHMED CHOUDHURY:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(a) the present number of permanent clerks in the office of the Registrar of Joint Stock Companies, Bengal; and

(b) how many of them are—

(1) Hindus,

(2) Muslims, and

(3) Scheduled Castes?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) Eleven.

(b) (1) Hindus—Eleven.

(2) Muslims—Nil.

(3) Scheduled Castes—Nil.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether any appointments were made in this office after the *communiqué* regarding the communal ratio was published by the Government?

The Honble Mr. H. S. SUHRAWARDY: There have been no permanent appointments made in this office since the year 1931. Since that time, however—I am not able to give the exact dates—three temporary appointments have been made of which two have gone to Hindus and one to a Muslim.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state the qualifications of the 11 Hindus who are permanent in this office?

The Hon'ble Mr. H. S. SUHRAWARDY: I would like to have a notice of this. But I may tell my honourable friend, however, that their qualifications are more or less lost in oblivion! (Laughter.)

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether any of these clerks is on extension?

The Hon'ble Mr. H. S. SUHRAWARDY: I would ask for notice.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state if it is not a fact that there are three or four under-Matrics in the Upper Division in this office?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think this is a very extraordinary circumstance, as there are many offices in which under-Matrics are in the Upper Division.

Recruitment of constables in Dinajpur.

***124. Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether constables were recruited in Dinajpur in the first week of July, 1940?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the total number of recruits;

(*ii*) the number of them that are—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims; and

(*iii*) how many of them are the natives of the district?

(c) Is it a fact that notice was issued for the recruitment of candidates from the—

(1) Scheduled Castes, and

(2) Muslims?

(d) If so, will the Hon'ble Minister be pleased to state whether appointments were made in terms of the notice?

(e) If not, why not?

(f) Is it a fact that candidates who are short of the required measurement and not within the prescribed age-limit have been taken in preference to the qualified candidates of the district?

(g) Is the Hon'ble Minister considering the desirability of issuing instructions for observing the communal ratio and giving preference to the natives of the district in such appointments?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) On the 6th July, 1940, candidates were selected for enlistment as constables to fill up four vacancies that existed in the district.

(b) The total number of candidates selected was 8 of whom 4 were Caste Hindus, 2 belonged to Scheduled Castes and 2 were Muslims. Of the candidates selected 2 (1 Muslim and 1 Scheduled Caste) are natives of the district, while the remaining 6 (4 Caste Hindus, 1 Muslim and 1 Scheduled Caste) belong to other districts.

(c) A general notice was issued for the recruitment of constables in which members of the Muslim and Scheduled Castes were particularly invited.

(d) No appointment has yet been made. The formal enlistment will be made on the 5th August, 1940, when it will be done in terms of the notice, i.e., 2 Muslims, 1 Scheduled Caste and 1 Caste Hindu will be appointed. The 4 additional candidates (1 Scheduled Caste and 3 Caste Hindus) have been selected for being kept in reserve for future enlistment as they were found to be of a type superior to the type of candidates that usually appear for selection.

(e) Does not arise.

(f) No.

(g) No. The communal ratio is already being observed and preference is given to natives of the districts as far as practicable.

Mr. ABDUL WAHAB KHAN: With reference to answer (b), namely, that of the 8 candidates selected, 4 were Caste Hindus, 2 Scheduled Castes and 2 Muslims, will the Hon'ble Minister be pleased to state the reasons why only two Muslims were taken instead of 4?

Mr. SPEAKER: They were not taken but only selected.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state why only 2 Muslims were selected and how the communal ratio has been maintained in this case?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member will please read answer (*d*), he will understand it perfectly. The actual number of appointments, that were to be made on the 5th August, was 4—the reply was sent before any actual appointment was made—2 Muslims, 1 Scheduled Caste and 1 Caste Hindu.

I.M.S. and I.M.D. officers in Medical Department.

*125. **Mr. PATIRAM ROY:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) how many I.M.S. and I.M.D. officers are now holding the Civil posts in the Medical Department under the Government of Bengal;

(*b*) how many of them have been or are about to be recalled to the Military service;

(*c*) what are the numbers of the—

(1) European,

(2) Bengali, and

(3) Punjabi

I.M.S. officers in Bengal who have been recalled to the military service; and

(*d*) whether the principle of seniority or any other criteria have been uniformly maintained in the matter of reversion to military service amongst the—

(1) European,

(2) Bengali, and

(3) Punjabi

I.M.S. officers?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca): (*a*) I. M. S. 24 and I. M. D. 12.

(*b*) 14 I.M.S. and all I.M.D. officers are on the War Reserve. Of these, 5 I.M.S. officers have already been recalled to the military service.

(*c*) A statement showing the position of I.M.S. officers in the Medical Department, Bengal, is laid on the table.

(1) Europeans—4.

(2) Bengali—1.

(3) Punjabi—Nil.

(*d*) The final decision regarding recall to military duty rests with the Defence Department of the Government of India.

Statement referred to in the reply to sub-clause (c) of starred question No. 125, showing the position of I.M.S. officers in the Medical Department under the Government of Bengal.

WAR RESERVE.

(1) Lt.-Col. H. E. Murray.

(2) Lt.-Col. B. G. Mallya.

(3) Lt.-Col. S. Nag. (Reverted to Military Duty.)

(4) Major C. L. Pasricha.

(5) Major E. G. Montgomery. (Reverted to Military Duty.)

(6) Major G. B. W. Fisher.

(7) Major F. H. A. L. Davidson. (Reverted to Military Duty.)

(8) Capt. E. H. Lossing. (Reverted to Military Duty.)

(9) Capt. F. W. Allinson.

(10) Major G. Kelly.

(11) Capt. J. Brebner.

(12) Capt. W. M. Niblock.

(13) Capt. J. W. D. Goodall.

(14) Capt. J. White. (Reverted to Military Duty.)

HOLDING RESIDUARY APPOINTMENTS.

(1) Lt.-Col. E. W. O'G. Kirwan, C.I.E.

(2) Lt.-Col. F. J. Anderson, C.I.E.

(3) Major J. C. Drummond.

(4) Major R. Linton.

(5) Major K. S. Fitch.

Lt.-Col. P. F. Gow (retired).

REST.

(1) Major-General P. S. Mills, C.I.E., K.H.P.
(2) Lt.-Col. K. S. Thakur.
(3) Lt.-Col. J. C. De.
(4) Lt.-Col. N. C. Kapur (on leave).
(5) Lt.-Col. B. H. Singh.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state when the 5 officers were recalled to the military service and whether the opinion of the Government of Bengal was consulted or not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I could not say offhand.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether there is any constitutional obligation on the part of the Government of Bengal to appoint these I. M. D. officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot understand this question. These officers are on the War Reserve.

Dr. SURESH CHANDRA BANERJEE: The I. M. S. officers are reserved——

Mr. SPEAKER: And also the I. M. D. officers.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the attention of the Government has been drawn to the fact that Lt.-Col. S. Nag, the only Bengalee officer, who has been recalled to the military service, is by far senior to the other European officers who are junior men?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Sir, I wanted to know if the Government of Bengal is consulted and, if so, whether selection of officers is made on the basis of seniority.

Mr. SPEAKER: Nawab Bahadur, he wants to know whether you select your officers or the Government of India.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Government of India—the Military authorities.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how many posts in the Medical Department of Bengal are reserved for I. M. D. officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I ask for notice.

Prevention of malaria in Jessore district.

***126. Khan Bahadur Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing, thana by thana, for the years 1938-39 with respect to the Jessore district—

(*i*) the number of deaths from malaria;

(*ii*) the present number of anti-malaria societies;

(*iii*) the names of the places where they are situated;

(*iv*) the amount of Government grants for those anti-malaria societies;

(*v*) the amount of District Board grants for the same;

(*vi*) the amount spent for those societies; and

(*vii*) where it was spent?

(*b*) Will the Hon'ble Minister be pleased to state whether any amount was spent by these societies in the years 1938 and 1939 for—

(1) flushing schemes,

(2) irrigation, and

(3) anti-larvæ measures in driving out malaria?

(*c*) If so, where was it spent?

(*d*) What steps do the Government contemplate taking for the eradication of malaria from the district?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) A statement is laid on the Library table.

(*ii*) Sixty-five, as reported by the District Magistrate.

(*iii*) A list is laid on the Library table.

(*iv*) Nil.

(*v*) to (*vii*) The information is not available to Government.

(*b*) and (*c*) The information is not available to Government.

(*d*) Instead of doling out small grants to union boards and anti-malaria societies for local anti-malaria measures of a minor character, Government have decided to make large sums available for schemes of more or less permanent nature, such as flushing schemes, drainage schemes, anti-larvæ measures, etc., approved by the Public Health Department. The District Board was accordingly asked to submit schemes. The schemes submitted by the Board were, however, found to be not in order and have been sent back for revision. The services of the Malaria Engineer recently appointed by Government have been made available to the District Board for the preparation, supervision and execution of these anti-malaria schemes.

A scheme for an intensive campaign for eradication of malaria from the Jessore town and its environments at a total cost of Rs.2 lakhs spread over five years has been inaugurated by Government with the help of grants from the Government of India as well as from provincial revenues on a half and half basis.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether the scheme has been put to practice in the town of Jessore and what is the amount that has been spent up till now?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, Sir, I beg to submit that the Hon'ble Minister has said in his reply that a sum of Rs. 2 lakhs has been spent. My question is whether the scheme has been put to practice or not. If the Hon'ble Minister cannot give reply, how can we understand the situation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have said that it has been inaugurated. Spending and inauguration are two separate things.

Mr. ATUL KRISHNA GHOSE: Is it a fact that much of the money has been spent in scheming and on travelling allowance of the officers only?

Mr. SPEAKER: What is your question?

Mr. ATUL KRISHNA GHOSE: My question is whether out of this Rs. 2 lakhs a huge amount has already been spent in the course of scheming and on travelling allowance of the officers.

Mr. SPEAKER: How does this arise?

Mr. ATUL KRISHNA GHOSE: There are complaints that much of this money has been spent by way of travelling allowance?

Mr. SPEAKER: You may ask as to what amount has been spent.

Mr. ATUL KRISHNA GHOSE: I have asked whether a huge sum has been spent in scheming.

Mr. SPEAKER: Do you mean to say that your application of the word "scheming" will improve the situation? (Laughter.)

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state when was the District Board of Jessore asked to submit a scheme?

Mr. SPEAKER: The question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us whether Government have consulted the Chairman of the Jessore Municipality in connection with that scheme?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: He must have been consulted.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enquire as to whether the suggestion of the Chairman of the Jessore Municipality has been attended to by the officer in charge there?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I shall enquire into that.

Mr. SPEAKER: I have for some time past been receiving questions from members in which I find that at the same time letter for letter the same question is being typed and handed over by several members and placed before the House. First of all, I want to say that it is a very unsatisfactory state of affairs. It shows that the same question is being put by several members. I hope that the practice would cease, and it is desirable that every member should exercise his discretion in this matter. I have not up till now disallowed any question of this type, but I want to say that it takes away unnecessarily a lot of time of every department if the same question is repeated three times.

Introduction of the Secondary Education Bill.

*127. **Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the constitutional difficulty in bringing the Secondary Education Bill has been removed?

(*b*) If so, when do the Government contemplate introducing the Secondary Education Bill in the Assembly?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) In the current session of the Assembly.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that there is a strong public opinion against the inauguration of this Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: Public opinion is very strongly in favour of this Bill.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that several meetings were held in Calcutta opposing this Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: Some professional agitators have been agitating, but the public opinion is in favour of this Bill.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the head masters and the heads of a large number of institutions are opposed to this Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I am aware, they welcome it.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state what measures Government have adopted to ascertain the public opinion in this regard?

The Hon'ble Mr. A. K. FAZLUL HUQ: My own experience or rather my vast experience extending over 30 years of my public life is sufficient to know what public opinion is.

Maulvi ABDUL LATIF BISWAS: Is the Hon'ble Minister aware of the fact that the Muslims and other minority communities are demanding the passing of the Act at a very early date?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, certainly.

Distribution of sale notices among newspapers in Chittagong.

***128. Khan Bahadur MD. ANWARUL AZIM:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state in which of the local papers in Chittagong the civil court sale notices are published?

(*b*) Is the Hon'ble Minister aware—

(*i*) that one month-old paper *Barthamanjagat* is getting one-third of the said notices; and

(*ii*) that it has no circulation all over the district?

(*c*) Will the Hon'ble Minister be pleased to state the reason for which notices are not published in the old paper which has been publishing these sale notices since 1921?

(*d*) Is it a fact that it has the largest circulation in the district?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) In *Sumiti*, *Yugadharma* and *Bartaman Jagat*.

(*b*) (*i*) Yes, provisionally

(*ii*) The matter is under enquiry.

(*c*) and (*d*) Do not arise

Appointment of Government Pleaders.

***129. Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the basis of seniority and past records and reputations as a lawyer are taken into account in appointment of Government Pleaders?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The appointments are made by Government after considering the recommendation of Local Officers through the Legal Remembrancer.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether this reply also applies to the case of Public Prosecutor?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the the Hon'ble Minister be pleased to state whether this reply applies to the pleaders of the Government both in the Civil and Criminal sides?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Mr. ATUL KRISHNA GHOSE: Are we to understand that the Hon'ble Minister means that seniority, past records and reputation as a lawyer are not taken into account in the appointment of Government pleaders?

Mr. SPEAKER: They are taken into account.

Mr. ATUL KRISHNA GHOSE: He does not say that.

Mr. SPEAKER: He does.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if advertisements are published before the appointments are made inviting applications from candidates?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Advertisements are not published in the Calcutta newspapers. They might be published in the mufassal papers.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to tell us if as a rule in all cases of appointments advertisements are published?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: We work according to the recommendation of the District Officers, and it is the District Officers who are to advertise and take applications from the candidates.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if any advertisement was published in the case of the appointment of Government Pleader in Dinajpur?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Is it a fact that there were cases where due advertisements had not been published and the senior pleaders were not in a position to put forward their claims?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of it.

Publication of sale notices by Chittagong Civil Courts.

*130. **Khan Bahadur MD. ANWARUL AZIM:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) in which of the newspapers in Chittagong the civil court sale notices are published now; and

(*ii*) on what basis the distribution of such notices is made?

(*b*) Is it a fact—

(*i*) that the *Shunita* has been publishing these sale notices since 1921; and

(*ii*) that it is the leading bi-weekly newspaper of that district?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the sale notices are now published in other newspapers as well?

(*d*) Is the Hon'ble Minister aware that the major portion of these notices appears in—

(1) the *Barthamanjagat*, and

(2) the *Jogadharma*?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) In *Sunceti*, *Yugadharma* and *Bartaman Jagat*, with effect from this month (July, 1940).

(*ii*) Equally to the three papers.

(*b*) (*i*) Yes.

(*ii*) It is the only bi-weekly newspaper in Chittagong.

(*c*) Does not arise.

(*d*) No.

Typists in Faridpur Civil Courts.

*131. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(a) the present number of typists in the Faridpur Civil Courts; and

(b) the number of them that are Muslims?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) Eight.

(b) None.

Mr. MIA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the reasons why in the Civil Courts of Faridpur no Muhammadan typist has been appointed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Appointments have been made from time to time and long before the Hon'ble Minister was appointed. (Laughter.)

Maulvi ABDUL WAHAB KHAN: With reference to answer (b), will the Hon'ble Minister be pleased to state for how long this state of affairs has been continuing?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Disturbances following fracas between Hindus and Muslims at Dacca.

*131(A). **Mr. ATUL CHANDRA SEN:** (a) Is the Hon'ble Minister in charge of the Home Department aware—

(i) that since 15th July, 1940, following a fracas between some Hindus and Muslims in the city of Dacca on the occasion of the second Rath Jatra festival stabbing and assault of innocent pedestrians on public thoroughfares after sunset has become almost a daily occurrence in the city;

(ii) that a feeling of insecurity and panic exists among the people; and

(iii) that it has caused a dislocation of all normal business in the city?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have so far taken, and what more steps the Government intend to take, in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: There have been a few stray cases of assault, but it is not true that such cases are of daily occurrence or that there is dislocation of business.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister please state if these cases of assault and stabbing whether they are of daily, weekly or monthly occurrence, have stopped altogether?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think any assault or stabbing has taken place during the last two or three days.

Mr. SPEAKER: Unstarred Questions.

Mr. ATUL KRISHNA GHOSE: One supplementary question, Sir.

Mr. SPEAKER: Well, you see I have already called for the Unstarred Questions.

Mr. ATUL KRISHNA GHOSE: I wanted to put an important question, Sir, and I am getting no opportunity.

Mr. SPEAKER: Well, I can frankly state that I have always given to every section of the House opportunity to put supplementary questions. Questions of this nature, unless they are very urgent and important, should not be put. Whenever there was any point of real importance, I have allowed members a chance to put supplementary questions, and in this case I did give a chance to the questioner, Mr. Atul Chandra Sen. I am stating this quite frankly.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Establishment of a Munsif's Court at Barrackpore.

72. **Rai HARENDRA NATH CHAUDHURI:** (*a*) With reference to the reply given to unstarred question No. 7 on the 29th July, 1938, regarding the establishment of a Munsif's Court at Barrackpore, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the result of the consideration by the Government of the public representation of the residents of the northern part of the Barrackpore subdivision on the subject?

(b) If the Government have not accepted the prayer in the representation, will the Hon'ble Minister be pleased to state the reasons for their decision?

(c) If the Government have decided to establish such a Munsif's Court as prayed for, what steps have the Government taken or do they propose to take to give effect to their decision in the near future?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It has been decided to defer further consideration of the proposal till after the conclusion of the war.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister please state how long the matter is under consideration and what the "further consideration of the matter" has got to do with the conclusion of the war?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: We are not allowed to spend anything on this till the war is over.

Rai HARENDRA NATH CHAUDHURI: I quite admit that Government may not spend anything on that. That is a different matter. But my question is, what has the further consideration of the matter to do with the conclusion of the war. You may or may not take any steps, but why do you wait till the end of the war? Is it because the brain that will consider the matter will be affected in any way by the war?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: But, Sir, it is a very important question.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Well, I have mentioned the war because it is only in that way that the answer can be put off. (Laughter.)

Extension of service to Government Pleader of Tippera.

73. Maulvi MD. HASANUZZAMAN: (a) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(i) when the present Government Pleader of Tippera was due to retire; and

(ii) whether he is acting now on extension?

(b) If the answer to (a) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) when his present term is likely to expire;

(ii) when the extension was granted to him last; and

(iii) when the Government propose to appoint his successor?

(c) Is it in the contemplation of the Government to invite applications from intending candidates?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (a) (i) 1st April, 1936.

(ii) Yes.

(b) (i) His term expired on the 1st April, 1939, but he is continuing pending decision of the general question of compulsory retirement of Government Pleaders and Public Prosecutors in the districts who though passed 60 have been recommended extension by local officers.

(ii) 1st April, 1938.

(iii) There is no such proposal at present.

(c) Does not arise.

Mr. ABDUL WAHAB KHAN: With reference to answer (b) (i), will the Hon'ble Minister please state how long is the term of the present Government Pleader likely to continue and when is a decision on the general question of compulsory retirement of Government Pleaders and Public Prosecutors in the districts likely to be arrived at?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not in a position to say that now. It all depends on the District Magistrate. As long as he wants to keep him there, I do not see any reason why we should ask him to retire.

Mr. ABDUL WAHAB KHAN: Do I understand the Hon'ble Minister to say that it all depends on the District Magistrates as to how long the Government Pleaders will continue to hold their offices as such?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Well, so long as the efficiency of the man continues and the communal question does not come in, I see no reason why we should get rid of a man.

Constitution of Rule Committee under section 123, C. P. Code.

74. Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*a*) the names of the present members of the Rule Committee constituted under section 123, C. P. Code, by the Calcutta High Court;

(*b*) the respective dates of their appointments;

(*c*) the term of the tenure of office of each of them; and

(*d*) the name of the present Secretary of the committee and his monthly pay?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) By the courtesy of the High Court I am able to give the information—

The Hon'ble Mr. Justice Panckridge (President).

The Hon'ble Mr. Justice Rau.

The Hon'ble Mr. Justice Mukherjea.

The Advocate-General, Bengal.

The Senior Government Pleader, High Court.

The Solicitor to the Province of Bengal.

Mr. M. H. B. Lethbridge.

(*b*) They were all appointed by an order of the Hon'ble the Chief Justice, dated the 10th January, 1940.

(*c*) For the year 1940.

(*d*) Mr. T. H. Ellis, Registrar, High Court, Appellate Side. He does not draw any pay as Secretary to the Rule Committee.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister kindly state whether the names of these members of the committee are published in the Official Gazette?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister please state whether the opinion of the Rule Committee is considered before introducing or approving of any change in the Rules?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Of course it is considered.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister please state whether some change in the rules about delivery of judgments is contemplated and whether the opinion of the Rules Committee is being considered in that connection?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The opinion of the Rules Committee is considered by the High Court and after considering the opinion, the High Court makes its own recommendations and then the Government of Bengal sees the recommendations and works on them.

Formation of Homeopath Faculty Board.

75. Mr. HARENDRA NATH DOLUI: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) what step the Government have taken for the formation of Homeopath Faculty Board; and

(*ii*) what progress has been achieved up to date by the Government to that effect?

(*b*) Are the Government considering the desirability of introducing the system of treatment by Homeopathy in rural areas through district boards, local boards and union boards, etc.?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The question of establishing a general Council and State Faculty of Homeopathic Medicine in Bengal was considered at a conference of representatives of Homeopathic practitioners in September, 1937. This conference unanimously recommended that a General Council of Homeopathic Medicine should be established. A committee was appointed by Government to assist in the drafting of the statutes of the proposed Council and Faculty and also to consider the financial aspect of the proposal inasmuch as Government had made it clear that, as in the case of the Ayurvedic Faculty and Council, they would not accept financial responsibility for the working of the Faculty and Council. The Advisory Committee has met and has considered the draft statutes. A second meeting of the Committee will be convened shortly in order to settle certain outstanding matters. In the meanwhile contributions have been received from certain Homeopathic practitioners.

(b) Under the relevant Acts, the district board and the union board are competent to establish and maintain or make grants-in-aid towards the establishment and maintenance of dispensaries practising systems other than Western scientific medicine. Government have framed certain rules for the guidance of these institutions. No further action on the part of Government is considered necessary.

Mr. NIKUNJA BEHARY MAITI: Will the Hon'ble Minister please state if he has considered the amount that will be required to run a Homœopathy Faculty Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated, Sir, that the Government in another case has not cared to accept a provision that the Government will give any grant to this Faculty.

Mr. NIKUNJA BEHARY MAITI: What I asked of the Hon'ble Minister was what is the amount that will be required if they want to run a Homœopathy Faculty Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. P. BANERJI: Will the Hon'ble Minister please state whether any provision has been made for Ayurvedic or Unani form of treatment in the Budget?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, in the Budget there was a sum total of Rs. 5,000 of which Rs. 1,000 was for Ayurvedic and Rs. 4,000 for Unani.

Mr. P. BANERJI: How is it then that no provision has been made in the case of Homœopathy?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have said,—No.

Mr. P. BANERJI: But why? For what reason?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Perhaps because at that time the claims of Homœopathy were not brought to my notice. Had that been the case, I would certainly have considered the matter.

Mr. P. BANERJI: Is it not a fact that this committee had a sitting in the year 1937 and some provision was made in the Budget of 1939-40?

Mr. SPEAKER: The Hon'ble Minister says that at that time it could not be considered.

Mr. P. BANERJI: Will the Hon'ble Minister be prepared to consider this question if it is brought to his notice?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If that is done, I will certainly consider the matter.

Mr. NIKUNJA BEHARY MAITI: Will the Hon'ble Minister please refer the matter of expenditure for the consideration of the Advisory Committee?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, Sir, all these matters will be placed before the Advisory Committee.

Mr. NIKUNJA BEHARY MAITI: Will the Hon'ble Minister please state if the report when published will be available to the members of the Assembly?

Mr. SPEAKER: That question does not arise.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister please state if the rules for the guidance of local boards, union boards, etc., have been sent to those institutions?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Vacancy in the post of Inspector of Registration.

76. Khan Bahadur Maulvi AULAD HOSSAIN KHAN: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether there is any vacancy in the post of an Inspector of Registration?

(*b*) If so, how long is it lying vacant?

(*c*) When is it likely to be filled up?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Since 15th July, 1939.

(*c*) A temporary arrangement has been made in the vacancy. It will be filled up permanently as soon as a selection has been made.

Khan Bahadur Maulvi AULAD HOSSAIN KHAN: With reference to answer (*b*), it appears that this post has remained vacant for more than a year. Will the Hon'ble Minister please give us an approximate date or time when this vacancy will be filled up?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is difficult to say that, Sir. The matter will have to be referred to the Public Service Commission, and I do not know how long they will take over this, but the officer who has been appointed will retire in the ordinary course some time early next year, and then a reference will have to be made to the Public Service Commission.

Khan Bahadur Maulvi AULAD HOSSAIN KHAN: Will the Hon'ble Minister please state how many Inspectors of Registration are working throughout the whole province at present?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are at present two Inspectors for the whole province.

Khan Bahadur Maulvi AULAD HOSSAIN KHAN: Is it not a fact that only one Inspector has now been working for the whole province?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, before the temporary appointment was made, one Inspector only used to do the work of two.

Babu MADHUSUDAN SARKER: With reference to the latter part of answer (*c*), will the Hon'ble Minister be pleased to state whether the communal ratio service rules will be observed in this case?

Mr. SPEAKER: That question does not arise.

Rai HARENDRA NATH CHAUDHURI: Sir, you promised to give us an opportunity to put two or three supplementary questions in respect of question No. 120* of the 7th instant.

Mr. SPEAKER: Sir Nazimuddin, can you answer them now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the file with me now, Sir, but I shall try to answer them.

Mr. SPEAKER: Please bring the file to-morrow, so that we can take it up.

GOVERNMENT BILL.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to place the interim report of the Select Committee on the Bengal Agricultural Debtors (Second Amendment) Bill, 1940. In view of the fact that the committee is likely to take some more time to come to a final decision on all the provisions of the Bill, we request that the time for submission of the final report may be extended until the committee conclude their deliberations on the Bill.

Mr. SPEAKER: Is it the pleasure of the House that the time given for the Select Committee be extended?

The House agreed to grant the extension of time.

Resolution on Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940.

Dr. NALINAKSHA SANYAL: May we know, Sir, who will be called upon to speak first?

Mr. SPEAKER: That is a point on which I want you to help me so that the same rule may be followed in future also. It is rather a difficult question to decide. I am insisting that the House has the right to take this ordinance into consideration irrespective of the matter being placed so that it automatically involves that the placing before the House is not essential. Anybody can do it. That being the constitutional position I am driving to, don't you think that earlier notice should be taken into consideratoin?

Dr. NALINAKSHA SANYAL: I would not stand in the way of anybody else speaking first.

Mr. SPEAKER: Shall I draw lots?

Dr. NALINAKSHA SANYAL: I do not mind if Mr. Hashemy is called upon to speak first.

Mr. SYED JALALUDDIN HASHEMY: It is better for the experts to take their chance last of all.

Dr. NALINAKSHA SANYAL: Then we will have to decide who is an expert.

Mr. SPEAKER: Let me have a visible demonstration of that.

Dr. NALINAKSHA SANYAL: Sir, whatever may be your decision, in view of the fact that we have only one business before us to-day, will you kindly give us sufficient time to place our points of view properly?

Mr. SPEAKER: Mr. Hashemy, how long will you take?

Mr. SYED JALALUDDIN HASHEMY: Twenty minutes or less.

Mr. SPEAKER: Take 15 minutes, so that your time may be given to other movers.

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir. Sir, I beg to move that this Assembly disapproves the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940 (Bengal Ordinance No. II of 1940), as promulgated by the Governor of Bengal under section 88 (*1*) of the Government of India Act, 1935.

I must thank you, Mr. Speaker, for the opportunity you have given us to discuss this ordinance which was deliberately denied to us by the Government in contravention of the statutory obligations. I must at the outset say that our criticism should not be misconstrued and that it should not be misunderstood. Sir, we are not out for destructive criticisms only. We are prepared to give the devil its due. Sir, ordinance or no ordinance, restriction of acreage of production or no restriction, fixation of minimum price or no fixation, the fact remains that the cultivators of Bengal had been selling their jute at what I should call a ridiculously low price. In some cases the selling price was even far below the cost of production. Sir, we wanted fixation of minimum price. Sir, it is common knowledge that before any arrangement can be made for fixation of minimum price, Government should arrange for some preliminary arrangements, namely, restriction, at least compulsory restriction of acreage of production, standardization of grades of quality of jute, and facilities for storage by licensed warehouses. Sir, I am not speaking about the report of the Jute Committee appointed by the pre-Reform Government in the year 1934. I

will only take help from the Enquiry Committee appointed by this reformed Government in the year 1938, and I will deal with its recommendations and suggestions. I should like to impress upon this House the pledge we gave to our constituencies at least for the fixation of minimum price for jute. Sir, instead of compulsory restriction of acreage of production, we got the scheme of voluntary restriction. Sir, what was this voluntary restriction? To me it was nothing but the filling up of a tank of the proverbial king by milk. Was it not a huge joke, a colossal foolishness on the part of the Government to restrict the production of jute by a voluntary scheme? We repeatedly said both in and outside this House that this scheme was bound to fail, and the scheme failed. Then came the question of compulsory restriction. The Hon'ble Minister in charge of Agriculture brought a Bill—Jute Regulation Bill—but he suddenly had to withdraw the Bill. I do not know the reason why the Bill was withdrawn. The Bill was withdrawn and instructions issued to the district authorities and others concerned, that Government are contemplating a comprehensive plan for the regulation of jute crop as well as fixing a minimum price.

Sir, in the first jute ordinance that was promulgated the minimum price of raw jute futures market was fixed at Rs. 36. Accidentally the war broke out in Europe, and the price of jute rose higher and higher and it soared up to Rs. 100 per bale. As the price of jute was rising from Rs. 36 to about Rs. 100, that historical gentlemen's agreement came. At least it was reported that an agreement commonly known as the gentlemen's agreement with the Indian Jute Mills Association was entered into. The agreement was that the minimum price at which they would sell jute should not be lower than Rs. 7-8 per maund. The result was that the futures market began to fall, and the mill-owners and the Indian Jute Mills Association became the sole purchasers of jute, and the repercussion in the mufassal was obvious.

Sir, we have got a second ordinance now, fixing the minimum price of jute at Rs. 60 and the maximum price at Rs. 90. As I have already said, Sir, Government issued instructions to the cultivators through District Officers that they should keep a very watchful eye on the markets of Calcutta and that they should not be panicky and so on and so forth. They should not sell jute at a price less than Rs. 10 per maund. Naturally, the cultivators were tempted to store up the whole crop of their jute, and the result is as we all know and is common knowledge that the stored up jute is now selling at a price of Rs. 4 to Rs. 6 a maund. It may be higher in some places I do not know, but I speak from my personal knowledge and I speak with authority about my own district that the price in the mufassal is Rs. 5 a maund. Government in addition to these instructions to the cultivators proclaimed that Government was going to purchase the surplus without

knowing its financial responsibility and obligation and without knowing what fund is at its disposal. The other day, Sir,—of course Dr. Sanyal dealt with this matter—in reply to a question put by Dr. Sanyal, the Hon'ble Minister in charge replied that a sum of Rs. 30 lakhs had been set apart for purchase of a certain quantity of jute—most probably 50,000 bales of the crop. The result was that not a maund of jute was with the actual tillers of the soil—I mean the cultivators—not even with the tillers in the mufassal. In our opinion this sum of Rs. 30 lakhs was absolutely misspent by Government only in order to patronise some Thakurdas Tularam—I do not know; I forget his name. (Laughter.) Sir, last year's experience of the cultivators of Bengal tempted them to grow more jute, and the result is that in the preliminary forecast issued we find an overproduction of more or less 25 to 30 per cent.; and fortunately or unfortunately the futures market is closed now. The only buyer is the Indian Jute Mills Association; they have made a monopoly of the crop, and they are preaching that the products of jute will go to help the war, and it is their suggestion that at the cost of the poor cultivators of Bengal the war fields of Europe will be green.

Sir, after fixing the minimum price of the futures market at Rs. 60, it was at least a moral obligation of Government to see that the cultivators get a reasonable price. What is the price to-day? Sir, some of my friends tell me that it is Rs. 5-4 to-day.

(At this stage the blue light lit up.)

Sir, may I have five minutes more?

Mr. SPEAKER: Yes, provided you do not cast significant eyes to your left. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Sir, it was a moral obligation of Government to see that the cultivators get a reasonable price, but they are getting only Rs. 5-4 per maund to-day. Government before launching any programme for purchase of jute ought to have carefully considered their financial responsibility. One after another the schemes that have been taken up by Government have been changed. From the voluntary scheme of restriction up to this time all attempts of Government have failed to give relief to the cultivators of Bengal. As I have already said, Sir, in spite of all these things the cultivators of Bengal for the last 12 years or more are getting very low prices—I say ridiculous prices—for their jute, and we have got no remedy from this Government as we did not get any remedy from the pre-Reform Government. Sir, I am pained to say that Government do not know their own mind. Either they have no well-thought-of and scientific plan before them or they are deliberately doing it to help

the Indian Jute Mills Association. Sir, it would not be out of place if I say that the department concerned is either fool or knave or both —I cannot use a stronger term.

Sir, what will be the condition of the jute-growers of Bengal this year—there will be surplus. One of my European friends was telling me that any scheme of regulation of either price or acreage without any preliminary arrangement is the arrangement of lunatics. Without making any preliminary survey, without making any preliminary arrangement, they have unnecessarily induced the cultivators to produce more jute. Sir, if I may make a prophecy, the new crop will not sell at more than Rs. 20 to Rs. 25 per bale this year. I can say that the futures market is not going to reopen because they are not going to take this responsibility on their shoulders. Sir, under these circumstances, it is the incumbent duty of the Government to take a loan—a substantial loan—by which they can purchase the surplus which under the ordinary estimate and under ordinary and normal circumstances would come to about 90 to 95 lakhs of bales according to the preliminary forecast, if this is correct. If the production goes over 140 lakhs of bales and in the international situation that is now before us France is declared to be an enemy country——

(At this stage the member having reached the time-limit resumed his seat.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I rise to support the resolution moved by my honourable friend, Mr. Hashemy. Sir, what is this ordinance? It is professed to be an ordinance to fix the minimum price of jute, but I am sorry to observe that this ordinance is another still-born child of an ill-conceived and determined policy of indifference of our so-called popular Government towards the problem of the price of jute, which is the life-and-death problem of the peasantry of this province. I may further say that it is a problem not of the peasantry alone but also of the entire population of Bengal. Who does not know that it is on the best solution of the problem of jute-price that the economic prosperity of the peasantry of Bengal depends? The jute-price is the barometer of their prosperity, and on the prosperity of the peasants of this agricultural country depends the prosperity of the whole nation. For this province it may therefore be said—who lives if the peasants die and who dies if the peasants live? Sir, it is for the sake of the economic interest of us all that we have been urging upon the Government for the last three years and in every session in this House to adopt a bold policy to raise the price of jute, but all the persuasions and admonitions not only of this side of the House but also of the other have fallen flat on the ears of our popular Ministers. Sir, it is a matter of regret and shame that in spite of the sufficiently

long time taken by them our Ministers have not yet adopted any definite or bold policy in respect of the problem of jute-price. It is not a new problem; it is about a decade old problem which racked the minds of even the old bureaucratic Government. It was far back in 1932 that the old Government realised that apart from other factors, the fall in jute-prices was responsible for the acute economic depression in Bengal. The old Government set up a Jute Enquiry Committee, called the Finlow Committee, of which you, Sir, were one of the members, but the problem was not solved. Again in 1938, this Government appointed another Committee called the Bengal Jute Enquiry Committee, still the problem remains unsolved. Why? It is not because neither of these two Committees found any way to the solution of the problem, but because neither the old Government had nor the new Government has adopted a bold policy of tackling the problem. I shall not dwell on what the old Government did, but I shall deal with what the present Government has done. Sir, in one word I may say without the fear of contradiction—even by the members of the Coalition Party who blindly support the present Ministry—that the present Government has been pursuing the same step-motherly policy of the old bureaucratic Government in respect to this problem—the policy of never to take the right but always to take the wrong and misleading steps towards this vital problem.

Sir, the ordinance under discussion is an outcome of that policy. This ordinance fixed the minimum prices of raw jute and hessians in the futures markets. And with what object in views? The Hon'ble Ministers will certainly say—the object was to raise and maintain the level of the price of raw jute in the interests of its growers. Now my question is—was it the real object? If so, was it the right step to achieve that object?

Sir, middle of the month of May was certainly high time that Government's interference was necessary to fix the minimum prices of raw jute for the new crop. Now, was this ordinance a right step to raise and maintain the price of raw jute in the rural area? Before going into the details, I may unhesitatingly say, that it was not so. It was nothing but an eye-wash to beguile the innocent and helpless peasants and to hoodwink the public in general.

Sir, may I ask the Hon'ble Ministers whether they were not aware that the prices ruling in the futures market had little salutary influence upon the prices of raw jute in the rural areas where the growers sell their jute? Were they not also aware that on the other hand violent fluctuations of prices in the futures market were highly detrimental to the interests of the jute-growers? Sir, that it is so was the opinion of several members of the Finlow Committee including yourself. Many of you recommended for immediate reconstruction of the existing

futures market of the East India Jute Association on sound commercial basis and failing that for its abolition. But that Association was not so reconstructed nor did Government abolish it. Then, we nineteen members out of 21 who signed the report of the Bengal Jute Enquiry Committee in October, 1939, unanimously recommended for immediate abolition of that futures market—not on flimsy grounds but on grounds which stood the scrutiny of even the robust supporters of that market. If the Government had no opinion of their own, they had these recommendations before them and they must have seen them. But alas! instead of abolishing that market, Government gave a new recognition to it by using it as a market for standardising the prices of raw jute in the rural area—inconsistency cannot go any further!

After all, may I ask, Sir, if that ordinance had in fact any salutary effect on the prices, even of the old crop, not to speak of the new? Have the traders who purchase and sell jute in Calcutta and the mufassal been influenced by that ordinance? There is only one answer—No.

I shall now show by Government's own subsequent action that the ordinance miserably failed to achieve the object for which it was promulgated.

Sir, on 3rd June, that is, within twenty days of the date of the ordinance, the Government of Bengal decided to purchase first grade old crop jute in the open markets at Rs. 60 per pucca bale of 5 maunds. A Press Note was issued to the following effect:—

"Government announce that they have now completed their arrangements for purchase of Ready L.G.A. Firsts (old crop) pucca bales and have appointed as their purchasing agents Messrs. Chhaganmull Tolaram of 133, Canning Street, Calcutta, a leading firm of jute balers, who have also undertaken the storage of jute purchase on behalf of Government."

If the ordinance could raise or maintain the price up to Rs. 60 per bale of 5 maunds, why should Government themselves come forward to purchase jute at that price? In pursuance of that announcement, Government purchased 50,000 bales of old jute at Rs. 30 lakhs. With what result? Nil. Sellers were moving about in the open market to sell old jute of the first quality at Rs. 42 per bale, but there was no purchaser. The price for actual sale did not rise, although Government inflated it at a great loss to the public revenue. If, however, Government made forward purchases of 50,000 bales of the new crop of jute with Rs. 30 lakhs, that might have some good effect upon the mufassal markets for the new crop. But Government did not do that. Here also, Government failed and deliberately failed to take the right step.

I have forgotten to mention one very important fact in this connection. When Government decided to issue this ordinance, the Indian Jute Mills Association jumped upon the Government and my honourable friend, Mr. Walker, the President of that Association, issued a statement to the Associated Press wherein he said that his Association was opposed on principle to Government's intervention in the matter of fixation of the minimum price of jute, not only for the present but also for the future. The Jute Mills Association was not certainly afraid of the fixation of the prices in the futures market because they had nothing to do with that market, but were afraid of such fixation in the rural area where they or their traders purchase jute from the jute-growers. The Indian Jute Mills Association did not rest there. They submitted a representation to the Government of India asking for their intervention, so that Bengal Government might not fix the minimum prices of jute for the rural area. What was the effect of this protest on the part of the Indian Jute Mills Association? A compromise was effected between them and Government, and a Press Note was issued in the public Press on the 8th July to the following effect:—

"In order to secure for the growers of jute as high a price as can be obtained, and to ensure that as much as possible of this year's very large crop is absorbed by the trade, Government have made an arrangement with the Indian Jute Mills Association who are by far the largest body of consumers of raw jute in the world, whereby the Association has agreed to take steps to ensure that all its members will buy raw jute at their usual rates of buying at prices which will not at any time fall below the following:—

	Rs. a.	Rs. a.
European Jat and District ...	9 0	8 0
Indian Jat	8 8	7 8
Indian District	8 0	7 0

These prices are the lowest prices that mills will pay up to the end of December 1940.

Apparently it was a nice arrangement, but what could be the result of such arrangement? Could it result in giving a good price to the jute-growers? I say—No. Those prices of the agreement were the prices to be paid by the mills in Calcutta. But who does not know that the difference in the prices in Calcutta and the mufassal where the jute-growers sell the jute varies between Re. 1-8 and Rs. 2-8? Taking that difference into account, what according to that arrangement could be the prices to be paid to the jute-growers in the mufassal? Simple mathematics will show that by that arrangement mufassal

prices receivable by the jute-growers would range between Rs. 4-8 for the bottom and Rs. 7 for the best quality of jute. Was that a fair arrangement in the interests of the jute-growers? Here again, Government let down the jute-growers.

The prices to be received by them were left to the mercy of the buyers. Government were not ashamed of that conduct of theirs. Not only that, they lost all shame to have it published in the same Press Note that: "Government have done their part to secure what they are convinced are the best terms obtainable for all concerned at the present time." What do my Coalition friends say to this? Do they support this attitude of the Government? This was nothing but criminal indifference to the interests of the jute-growers of this province, upon whose votes the Ministers have been returned to this House and whose interests they gave a solemn pledge at the time of election to protect.

Sir, I wonder how long will our Ministers pursue the step-motherly policy towards the price of jute? Why do they not face the problem with boldness? Why do they feel shy of fixing the minimum prices? Is it not because they are afraid of losing the support of the European members of this House who for their self-interests are opposed to the fixation of the minimum prices? If it was not so, why did not Government avail of a good opportunity to fix the same, even without affecting the interests of the jute mills?

Sir, I shall now speak about that opportunity. In the same Press Note of the 8th July it is stated—"Government have already informed growers that up to 22nd June, 1940, mills had already bought over 40 lakhs of maunds of jute at prices which averaged over Rs. 11 per maund for equal quantities of middles and bottoms. What do these facts mean to the growers? They mean that at the beginning of the season, at least for the months of July and August, growers should receive at least Rs. 9 per maund for any good quality unassorted jute they sell and for which the mills have already paid the middlemen more than Rs. 11 per maunds." Now, when that was the position, why did not Government fix the minimum price at Rs. 9 to remain in force at least for the months of July and August? Those were two very important months. During these two months the majority of the jute-growers—I mean the jute-growers who have got no holding power—sell their entire crop. If Government did really intend to raise and maintain the price level of jute in the interests of the jute-growers, why is it that they did not avail of that opportunity? They could thereby save the poor jute-growers from the clutches of the blood-sucking traders. Here again, the Government deliberately failed to take the right step.

Sir, you will be shocked to hear that instead of the prices rising in the rural area, the prices fell down—even to Rs. 4—at many places, in spite of the Ordinance, in spite of the agreement of Government with the jute mills and in spite of the mills making forward purchases of their July and August requirements at Rs. 11-8 per maund. Now, let us see what measure was adopted by Government to counteract that fall. It is surprising, Sir, that Government burst out to hold the jute-growers responsible for such fall and issued a note of admonition. It is stated in the same Press Note that, "Government wish it to be clearly understood that there is no reason whatever for any panic and that persons who out of fear or ignorance are being persuaded to sell good dry jute at prices round about Rs. 4 to Rs. 5 are being swindled. It is the duty of every grower to refuse such low prices and to see that his neighbours do the same. Hasty selling of large quantities at low prices will cause serious loss to every one except the middlemen." It was an excellent measure, no doubt! Giving stone to the hungry man! Instead of a measure to lift the price up, sense of duty was brought home to the poor, illiterate and disorganised jute-growers to fight against their organised exploiters! And that by whom? By those who are lost to all sense of duty to the people upon whose money they fatten themselves——

(The honourable member having reached his time-limit, resumed his seat.)

Mr. I. D. JALAN: I beg to support the resolution moved in this House disapproving of the jute ordinance promulgated by the Government. Enough has been said with regard to this ordinance by the Press and the public. The question before us is as to whether the policy adopted by the Government with regard to jute has been a sound policy calculated to be for the benefit of the cultivators and for the benefit of the trade generally.

There are a few salient facts which must be put before the House before the House can come to a conclusion as to whether the policy pursued by Government has been a sound policy in the interest of the province. There is not a single soul in this House who will deny the fact that after all the majority of the people of Bengal are cultivators and nothing should be done to jeopardise their interests in this province, or in any other province whatsoever. But we have got to judge by this standard as to whether the steps taken from time to time by the Government have fulfilled the object with which they have been taken by Government or that they have been taken in the name of doing good to the cultivators and the masses but really for the benefit of other elements. Since the war began, Sir, there was a feeling that the market has got a tendency to rise and on account of the extreme demands on

account of the war situation, jute would be regarded as a war commodity. The Ministers as well as the public took it into their heads that the market price of jute would rise to an abnormal extent. It took, Sir, 4 years during the last war for jute prices to rise and during these four years the market price of jute did not rise beyond Rs. 60 or Rs. 65, though the price of hessian in the fourth year rose to Rs. 52. But, Sir, during the three months of this war the price of jute rose to Rs. 125 —an unprecedented rise in the price of jute which was absolutely uneconomic and which was absolutely to the detriment of the interests of this province. The policy of the Ministry was responsible for it to a large extent.

Sir, there has been a persistent rumour in the market that the policy of the Government is not being guided by the interests of the province, but by the interests of some of the Ministers themselves. That is the persistent grievance. You will see hundreds of persons talking about this, that it is really the speculative operations of some of the Ministers involved that is responsible for the policy adopted by the Government; otherwise, it is impossible for any sane Government to formulate a policy which this Government has formulated. The Government left no steps to be taken and left no stone unturned in order to impress upon the public that the price of jute would rise to Rs 20 per maund. The market rose to that extent and the result was that there was no demand from the consuming countries and every one in the trade felt in his heart of hearts that this was leading to a disaster of the first magnitude. It did come up to Rs. 125, but the price of jute soon began to fall, and in spite of the earnest efforts by the Ministers in order to prop it up, it has not been revived again, and at present the market price of jute outside the market is not more than Rs. 42 or Rs. 45; in spite of the jute ordinance, in spite of the minimum fixation of price, in spite of the statements every week by the Government in order to increase the price, the prices have not increased, and we are now faced with a crop of 1 crore 30 lakhs bales at least, which crop it will be impossible for this Government to absorb. Now what was the policy which was followed by the Government in fixing the price at Rs. 60 per bale when just before the war the Government fixed the price at Rs. 36. Now what has happened since then? The whole of the export market has been stopped; the whole of the continent which used to purchase jute during the last war is now enemy country. Now the utmost estimate is that not more than 20,00,000 of bales can be exported to foreign countries and 70,00,000 bales are all that can be consumed by these mills. Now 90,00,000 bales can be consumed during the year. So what is going to happen with regard to the 40,00,000 bales which will remain as a halter round the neck of the Government? Is the Government prepared to purchase these 40,00,000 bales? Is it possible for the Government to restrict the sowings next year in order to enable

them to sell and dispose of these 40,00,000 bales? Has the Government means to do so? I think it is impossible for this Government at the present stage of affairs to do so. The Government has followed a policy of a very weak-kneed nature. One day the Government announces before the public that Government is going to curtail production of the year 1940 and the whole of the trade is proceeding upon this basis that the Government is going to restrict the sowings of 1940. Now after a few weeks or a few days Government comes and announces—No, we are not going to restrict the crop of 1940. What is this after all? The Government should either rule or resign. If the Government was of opinion and is still of opinion that there should have been a restriction of the 1940 crop, then the Government should have insisted on it in spite of the objections of its followers and in spite of all objections to it because without it the Government could not keep up the prices of jute. Once having yielded on that point, there was no use fixing minimum price and purchasing jute bales. Naturally the Government is faced with a serious crisis. The Government has purchased 50,000 bales at present at the rate of Rs. 60, whereas the present price is Rs. 42 or Rs. 43. So there is a net loss of Rs. 10,00,000 for the Government to-day. Now if the Government purchase a further lot, there will be an additional loss to an abnormal extent. If the Government had any purchasing policy, it ought to have known that it was not in a position to follow the policy effectively. To do so in order to maintain the market at Rs. 60 the Government must be able to purchase the entire surplus in the market. This requires a mint of money more than the revenues of the Government. In the market jute is now selling at Rs. 42. But why did the Government not purchase the same in the market even at Rs. 42? If the Government had not the means to purchase at Rs. 42, what reason was there for the Government to purchase at Rs. 60? And what was the value of the jute in the month in which Government purchased it? And from whom did the Government purchase it and for whose benefit did the Government purchase it? It is surely not for the benefit of the cultivators. It is really for the benefit of those arch gamblers in whose interests the whole policy has been formulated and the whole policy has been carried out. (Cries of "Shame! shame!" from the Congress Benches.) Sir, there is not time enough for me to enumerate the facts and figures which I have to show as to how the market has been manipulated from day to day by the Ministers. It has gone to such an extent that it has amounted to a scandal in the market. (Cries of "Shame! shame!" from the Congress Benches.) The whole of the trade is based upon certain assumptions of world supply and demand. Nothing but supply and demand can regulate the price. If the Government wants a recent example, let it take lessons from the sugar crisis and the result of the disaster which has taken place. The Bihar

and the United Provinces Governments wanted to fix the price at 10 annas or 9 annas per maund of sugarcane and the Sugar Syndicate fixed a high price. Now the crisis is so great that the sugar trade is thinking as to whether it is possible to run the mills or not. Similarly, in foreign countries, where the Governments are sufficiently strong, where they have got much more enlightenment than what we possess, much more resources than what we can ever dream of, but still they too have failed in artificially proping up the price. That goes to show that it is impossible for this Government to face the crisis at present, and the Government policy is bound to bring disaster not only upon the cultivators but on the trade upon which the interests of the cultivators depend, and I must say, Sir, that so far as the Government is concerned, their policy is bound to fail—it has already failed and it is bound to fail. The Government cannot resist the world forces upon which the prices of jute depend. Sir, as a matter of fact Government enjoys a safe majority and on account of its safety they do not feel the necessity of listening to the opposition or to its arguments, however reasonable they may be. Our experience in this House has been that it is very seldom, if at all, that even a sane thing which has been said by the Opposition is listened to by Government or acted upon. Government feels that so long as it enjoys a comfortable majority in this House, it need not listen to reason, nor care for their line of action, however grossly atrocious it may be. The popular feeling is that the policy of the Government is not being formulated in Writers' Buildings; it is not being formulated in conferences with the experts, businessmen, traders or persons who are working for the cultivators' interests, but it is being moulded in Pretoria Street in conferences with arch gamblers and insolvent satellites, under the benumbing influence of coloured glasses and fair eyes.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I rise to support the motion of my esteemed friend Mr. Syed Jalaluddin Hashemy that this House disapproves the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940.

My objection to this ordinance is based on five grounds among others. In the first place I object to the ordinance on the general ground of principle, namely, that it should not be necessary for a democratic Government when the Legislatures are sitting normally to take recourse to ordinances and to have powers taken by virtue of extra legal legislation.

My second objection is on the ground that the time for the issue of this ordinance was most inopportune.

My third objection is based on the ground that the rates fixed in the ordinance both for the minimum and for the maximum were not based on a scientific calculation of all forces.

My fourth objection is that this measure has been rather an isolated measure, which cannot possibly yield the results for which it is professed to have been promulgated.

My fifth and last objection to the measure adopted by Government is, as my friend Mr. Jalan has just now stated to the House, that the measure and the manner in which the measure was adopted have permitted corruption to run rampant in certain sections of the market. I would now take up each one of these arguments one by one and if time permits I would like to unfold before the House the constructive scheme that I would like the House and the Ministry to examine to stabilise jute prices and to have at least a better tone given to the market in the real interests of agriculturists.

Sir, I have in the first place stated that my first objection is on the ground of principle. I have before me the number of ordinances issued during the short period of a year and eight months in relation to jute. There had been six ordinances so far promulgated. The first ordinance was on the 9th of September, 1938, on the hours of working of jute mills. The second was on the 21st August, 1939, regarding raw jute futures. The third was on the 25th August, 1939, on hessian cloth futures. The fourth was on the 17th October, 1939, regarding jute regulation, that is the ordinance relating to the estimates of jute land. The fifth was the ordinance of 10th February, 1940, relating to jute regulation again, whereby Government took power to regulate the crop production of 1940, and the sixth is the one that we are now discussing, ordinance dated 18th May, 1940, relating to Bengal Raw Jute Futures and Hessian Cloth Futures. Apart from these six quite a sheaf of ordinances, there have been in the mean time two attempts at legislation. One Act has already been passed by us, and there is also an amendment thereto relating to the regulation of jute, now under discussion. In spite of the fact that this matter has been before Government for a number of years, and the problems connected with jute were under discussion not during one month or two months, not even during one year or two years, but over decades, Government could not make up their minds and they are taking haphazard measures through ordinances especially choosing the period of times when the House is not in session. Sir, the Government of India Act that empowers Government to issue ordinances and to take recourse to such legislative powers makes it perfectly clear that it is only under emergencies that such powers should be taken recourse to. Section 88 states that "if at any time when the Legislature of a province is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action," he may promulgate such ordinances as circumstances appear to him to require; and, Sir, in order that there may not be any abuse of such power, it is laid down

in that section itself that an ordinance promulgated under this section shall have the same force and effect as an Act, but every such ordinance shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature or earlier, if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Council. It, therefore, completely contemplates a situation in which for emergencies only, it may be necessary for the Governor to promulgate an ordinance which would be followed up by regular enactment immediately the Houses of Legislatures meet. So far, we have not had any such intention of Government shown. We have in 1938 the first ordinance relating to the hours of work. No legislative measures have been placed before the House so far in relation thereto, nor with regard to other measures, other ordinances which followed one after another, except the one relating to the regulation of jute production, which we have readily accepted, and passed, and for which we have already empowered Government. I submit that this is going much beyond what the Act contemplated with regard to the power of the Government in relation to such ordinances. If Government would like to rule us through ordinances as they have sought to do so far, let them not take any Bill at all to the House. They can carry on the administration of His Majesty's Government merrily and draw their emoluments all right without taxing the tax-payer with the paraphernalia of the Legislature at any time at all. I submit it is a very wrong policy, it is extremely unfair to the House for Government to have taken recourse to an ordinance rule in a matter in which no emergency arises, in a matter the circumstances of which do not show that the Government did not anticipate such things or could not anticipate the circumstances earlier. Sir, I would now take you to a few relevant things. One year ago, exactly about this time in June, 1939, as a result of certain representations that were managed to be sent to the Hon'ble Minister in charge, similar attempts for an ordinance were made. At that time also the Hon'ble Mr. Suhrawardy, Commerce Minister, sent for certain members of the Board of Control of the East India Jute Association and sought to find out some avenue of suppressing that beneficent institution. I submit that at that time, the "Capital" the quality of journalism of which is not disputed, a journal that devotes exclusively to questions of economic and commercial importance, made certain very cogent observations. They said: "The favourite rumour was that an ordinance was to be issued forbidding the Board of Control to open dealings in new crop until the 1st September. That anything so absurd could be contemplated was beyond belief, but the members of the Board were called to meet certain Ministers on Thursday morning to discuss the position and that lent some colour to the rumour." That Thursday morning was the 1st June, 1939. I am reading, Sir, from

an editorial note, dated the 7th June, 1939, to which reference was made in the House and a series of interpellations followed thereon. Then, Sir, it is said: "No *communiqué* has been issued to inform the trade of what took place at the meeting, but it is generally understood that the Ministers told the Board that representations had been made to them that the opening of dealings in new crop would bring about a collapse in prices which would be detrimental to the interests of the *raiyats*."

The same argument that was advanced this year was there last year also and it could not have been said that it was an emergency which Government only saw this year and which was not present before them at least one year ago. The note continues: "It is not difficult to imagine from what quarter these representations came, and it would have been better for the Ministers themselves, had they made some private enquiries before taking such semi-public action. The method they adopted has given rise to ugly rumours which do not enhance the credit of the Government." This comes not from a member of the Opposition but from a European editor of a reputed commercial magazine.

The Hon'ble Mr. H. S. SUHRAWARDY: He is supporting the *fatka* market?

Dr. NALINAKSHA SANYAL: I hope so.

The Hon'ble Mr. H. S. SUHRAWARDY: Then please address your remarks to the other side (European Group).

Dr. NALINAKSHA SANYAL: It is not a question of the abolition of the *fatka* market or otherwise. There is no agreement between the European Group and myself regarding this question.

The learned editor then says: "They have ceased to be hedging transactions." So far as the old crop was concerned at that time in June, 1939, the editor explained that contrary to the usual practice due to the position of the market at that time, it ceased to be a hedging market, and that "the market has lately been under control of speculative elements outside the trade. With old crop dealings coming to an end on the 30th June and dealings in new crop suspended until 1st September, there would have been no official futures market; but that would not have prevented transactions taking place and the effect would probably have been the very one that the Ministers wanted to avoid."

Sir, the same situation has to-day been repeated—a situation that has been created out of a measure which Government themselves introduced in the current year. The editor proceeds to say: "It would have encouraged a lot of uncontrolled and irresponsible speculation. If they did not already know it, a little enquiry would have enlightened the Ministers as to the fact that business has been going on in new crop with mills and for export since February." This was in June, 1939. This year at the time when the ordinance was promulgated, our information is—and probably Government are aware of that—that the mills—not other speculators but the mills themselves—started the purchase of new crop as early as February last, *i.e.*, February, 1940. (The Hon'ble Mr. H. S. SUHRAWARDY: That is absurd.) Sir, I had it from a very high authority, but I am sorry I am not in a position to disclose——(The Hon'ble Mr. H. S. SUHRAWARDY: We are not aware of it.) I am prepared to give the Hon'ble Minister more definite proof of this statement.

Sir, the learned editor concluded by saying: "Of course, dealings in new crop have been going on unofficially for months and the widening margin between the official quotation for old crop and the unofficial quotation for new crop has been due to the greatly improved prospects of the new crop in the past few weeks. That there has recently been a fall in old crop quotations is due to the fact that demand appears to have been satisfied and consumers are now in a position to wait for new crop, with the result that those gamblers from Western India who pushed prices to unnecessarily high levels seem to be likely to be left holding their ill-begotten offspring. Government intervention on this occasion has been peculiarly ill-timed and ill-advised. It is true that Governments all over the world are interfering in the natural course of trade to secure advantages for their nationals, but, in this case, it seems to be a certainty that the Government was hoodwinked into thinking that it was doing something of service to the *raiyats* when, in reality, it was only serving the interests of a section of gamblers who found that their gamble was going wrong. We have on many occasions pointed out how the futures market can be improved if it is to be of real service to the trade and, if the Government care to take action on these lines, we shall welcome it. But gratuitous intervention on specious grounds to divert the market from its natural course is to be deprecated."

That was a statement, Sir, made one year ago. I quoted that editorial comment *in extenso* to draw a parallel to the circumstances prevailing to-day, and I would like the Hon'ble Minister only to substitute one name—instead of the gamblers of Western India the name of Mr.....I will not utter it. The Hon'ble Mr. Suhrawardy knows his name. (Laughter.) (A voice: Name him.) "Mr. Ram Chandra Daga" is the name of the gentleman whom the Hon'ble

Mr. Suhrawardy knows very well. Anyway, I have decided, Sir, that I would not digress into things of that character to-day in course of my observations. I would try to confine myself to a scientific approach to the question as far as I can.

Sir, I object to the ordinance on the second ground, namely, that the issue of the ordinance was entirely out of its proper time. The ordinance was issued on the 18th May, 1940, when the old crop was practically all sold out from the hands of the cultivators. It has been argued by the Hon'ble Ministers—not merely the Hon'ble Ministers in charge of Agriculture and Commerce but also another Hon'ble Minister —that this was done in the interest of the agriculturists. I would like the Hon'ble Ministers themselves to give figures to justify all this claim to show what percentage of crop was still lying in the hands of the cultivators at that time. I have before me my figures—not figures collected or statistics obtained by me, but figures obtained through the agency of Government, figures which I have taken from the "Indian Trade Journal." These show that the total estimate of final production in the year 1939-40, *i.e.*, for the year from July, 1939, to June, 1940, was 96,46,000 bales. The total arrivals in Calcutta and to mills outside the Calcutta trade block by rail and river from 1st July, 1939, to 18th May, 1940—the very day when the ordinance was issued—amounted to 97,45,000 bales, *i.e.*, about one lakh in excess of the actual estimate of production for the whole of the province and also of the other adjoining provinces. It may be argued that in this figure of 97,45,000 of deliveries might be included some old crop of the year 1938-39. I have, therefore, examined, or rather tried to obtain, the corresponding figures of the previous year.

The Hon'ble Mr. H. S. SUHRAWARDY: It may be argued that the estimates are wrong.

Rai HARENDRA NATH CHAUDHURI: Don't be impatient.

Dr. NALINAKSHA SANYAL: Don't condemn your department yourself.

The Hon'ble Mr. H. S. SUHRAWARDY: Nobody can say for certain.

Dr. NALINAKSHA SANYAL: In the year 1938-39 the total estimate of production was 66,44,000 and arrivals in Calcutta was 87,50,000 during that time, namely, from 1st July, 1938, to 18th May, 1939, so that surely there could not have been a holding over of crop of the year 1938-39 for delivery in the last year, *i.e.*, 1939-40. Even assuming that there were certain percentages of old crop in the hands

of villagers outside, it would not surely amount to more than 5 per cent. at the highest, because subsequent deliveries from the 18th May, 1940, to the 30th June, 1940, have revealed that in spite of a very high price fixed by Government and in spite of the fact that there was a very good crop before us during the coming season, it was not possible for the mills or for the market to extract a large supply from outside during that short period. That shows that so far as the time for the promulgation of the ordinance is concerned, it was wholly ill-timed. It could not have any effect to raise the price for the product which was actually left in the hands of the agriculturists. During the previous year when a similar ordinance was passed, it was in the month of August, 1939; it was a time when the new crop was just coming in. Even then we had our misgivings because of other reasons, but not on the ground of the time being inopportune. When in the first year, 1938, the Government came forward to interfere with the market for jute in the shape of their first Bengal Jute Ordinance of 1938, it may be within the recollection of the members, that contrary to the usual practice of members of the Opposition, I welcomed that ordinance and for that act of indiscretion I was not a little rebuked by some sections of my countrymen But, Sir, at that time I welcomed the measure, and I still maintain that ground, because I saw a new era dawning and an era in which in the interest of the masses the Government of the province would step in to interfere in the marketing or organisation of any business affairs of the country, particularly in matters in which European interests predominated. That Government would have that courage was something that deserved congratulation. But, Sir, at the same time I said that it was a partial measure, and I stated that the intervention of Government in the shape of suitable measures for raising jute prices had long been overdue, and it gave us some satisfaction to see that the Government had begun to yield to the pressure of public opinion. We fail, however, to understand why Government stopped there by taking action merely to restrict the manufacture of jute products and not trying to take simultaneous action to ensure higher prices of raw jute for the cultivators "unless it be in the 'public' interest of the European members of the Jute Association." Thereafter in January, 1939, I was called upon to make certain observations in the Press where I again maintained and urged that Government were sitting on the fence, they were not formulating a policy of their own, and they were only tinkering with reforms and were indulging in partial and ill-conceived measures. There also I stated that I kept an open mind and I welcomed Government intervention. I am one of those who believe in the necessity of Government intervention in matters of this character. But, Sir, my optimism to-day has vanished. In spite of my best wishes I find that the intervention so far indulged in by Government,

has not been as a result of any comprehensive policy, has not been in the best interest of the agriculturists, and has not been in the interest of the wider public outside; but it is due to some inexplicable causes—in the interest of persons unknown or never to be known.

Sir, I will now deal with the history of the present ordinance itself. Even when we had been meeting on the last occasion in the last session of the House, the Hon'ble Mr. Tamizuddin Khan threatened that Government might have to take recourse to further ordinances. During that very debate——

(At this stage, the blue light was switched on as a warning of time-limit.)

Sir, may I have some more time? I will not be able to finish before half an hour.

Mr. SPEAKER: Yes, I am giving you half an hour as the main proposer, but you have already spoken for 25 minutes.

Dr. NALINAKSHA SANYAL: Sir, in that case I would crave the indulgence of the House to allow me some more time to finish my speech.

Mr. SPEAKER: I am quite prepared to allow you more time if it is taken from the next speaker on your side. As a matter of fact, instead of giving the first mover half an hour, I am giving you half an hour.

Dr. NALINAKSHA SANYAL: Sir, I want 15 minutes more, for I have still some very important points to deal with.

Mr. SPEAKER: I have already given you 25 minutes and you just try to finish within half an hour. I have been flooded with the names of speakers, and I hope you will appreciate my difficulty.

Dr. NALINAKSHA SANYAL: Sir, the history of this ordinance can be traced right up to April, 1940. Thereafter a conference was called at Darjeeling early in May, and Government had probably before that conference certain preconceived ideas of their own. Then, Sir, we in the Bengal National Chamber of Commerce, of which I have been an active member, received notes inviting members of the Chamber to go up and we also sent our own observations. We had during that period stated that while we welcomed the interference, as some called it, we welcomed the idea of Government taking action, and although we submitted that we would always urge for necessary steps for ensuring a fair and reasonable price for the cultivators, we felt

that the present moment was most inopportune for fixation of the minimum price of jute in view of certain considerations which we detailed there. Thereafter, Sir, we observed that the time for this was not only inopportune, but it was entirely contrary to the interests of the cultivators. We explained in our note and, I believe, the representatives of the Chamber who went to the Conference and also other members who were present in that Conference submitted to the Government, that it would not be desirable for Government at that stage to interfere with the prices in the futures markets in the manner subsequently adopted.

I submit that this ordinance is objectionable also on the ground that it is an isolated measure. Government have tried to explain on several occasions by statements to the Press that they have a policy and that they were trying to carry that policy out, and that this step was not to be regarded as an isolated act on the part of Government but was in furtherance of the general scheme. That is what they professed and they said that among others these were their schemes—(1) regulation of futures markets; (2) arrangements for purchase by Government of all offerings of jute; (3) fixation of minimum price of jute for internal and export markets; and (4) steps to be taken to eliminate adulteration, particulary the watering of jute.

Sir, I submit that so far as the regulation of futures markets is concerned, it was the unanimous opinion of the committee as well as the Government, so far as they gave expression to that opinion on the floor of this House, that Government should appoint an expert committee to go into this question and should thereafter formulate their own ideas about the necessity or otherwise of interfering with the futures markets in Calcutta. In fact, the Hon'ble Minister in reply to a question of mine stated categorically that it was his policy not to abolish the market, but to regulate and control it and that he was on the look-out for a suitable expert who might advise Government in that direction so that the present measure, the ordinance, which has practically killed that market and stopped even legitimate futures dealings, could not have been contemplated by the policy then laid down.

Sir, so far as the question of purchase by Government of all offerings of jute is concerned, it has been demonstrated in the House, and the practical results outside have proved, that it was impossible for Government to take the responsibility of purchasing all offerings of jute at any minimum price. The laws of economics are inexorable; they would not permit this sort of adventures and tall promises. I realise that under pressure of democracy, a democratic Government may have to take to measures which ordinarily no Government in its senses would like to adopt. But it is also fairly realised that democracy also has its own duty. No democratic Government in the world

can function if technical matters are to be left to be determined by persons without technical knowledge, and if Government take or adopt measures without suitable expert advice. What has been the result so far? As a result of the Government's intervention in the futures market, the prices that Government fixed could not be maintained and prices showed a tendency to go down. Thereafter, Government were inevitably compelled to take recourse to another measure, a suicidal measure, of purchasing old crop under certain terms. It has been stated on the floor of the House, and it is within the knowledge of the Hon'ble Minister, that when actually the price of pucca bales in the Calcutta baled jute market ruled between Rs. 54 and Rs. 55, the Government agents purchased on behalf of Government at prices between Rs. 57 and Rs. 59. Where has this margin of Rs. 3 to Rs. 4 gone? It is a pertinent enquiry which Government ought to start and members of the Coalition Party ought to satisfy themselves that none of this amount has gone to any undesirable quarters. Sir, if a proper enquiry is made it will reveal many interesting facts. To-day losses on that account are nearly Rs. 10 lakhs, as Mr. Jalan has pointed out. The price of a pucca jute bale to-day in the outside market is not more than Rs. 42, although Government have purchased it at Rs. 59, and nobody knows whether that Rs. 59 will ever be reached.

My next objection is that the prices that were determined were completely contrary to scientific calculations. Last year, under similar circumstances the price of raw jute was fixed at Rs. 36 per bale, and of hessian at Rs. 8-14 per 100 yards. There can be no justification this year for the prices to have been fixed so high as Rs. 60 and Rs. 13, respectively, unless they were in some other interests.

I now come to the next question, namely, that it encouraged corruption and other malpractice. The fact remains that there are certain clever Marwari merchants in the market who take advantage of all these rumours and all these frequent changes. They are clever, and in one of his replies the Hon'ble the Minister in charge of Commerce said: "If they can anticipate and they are clever, how can I help it?" But, Sir, their anticipation is not entirely without some kind of grounds. It is very strange that when a particular person anticipates, and when that particular person, as a result of his clever anticipation, is faced with serious losses, another anticipatory measure comes forward. Statements are issued by the Hon'ble Ministers, and, as a result of that market fluctuations do take place. It is also significant that this merchant whose name I have already stated under compulsion, because some members wanted to know, this merchant, along with others, had to close his dealings, settle the accounts, and pay up his dues on the 28th of June. It so happened that the Government purchase of old crop also stopped as soon as this merchant's transactions were closed on the 28th of June. I would like the Hon'ble Minister in charge to explain

why was it that with the complete wiping out of the liabilities for the transaction of this particular merchant, Government suddenly felt that there was no further necessity for purchasing old jutes at the rate determined by Government. It is also significant, I am not here to cast any reflection on any honourable member of this House, that this particular merchant wrote letters to the market from the office of Mr. M. A. Ispahani. These letters are still there, and ultimately it so happened that this particular merchant's (Ram Chandra Daga's hessian liability was taken over by Mr. Ispahani's firm later on. It may be simply in course of business and nothing else. I do not insinuate anything, but it is a significant fact that even to-day Mr. Ispahani is having some quarrel with certain merchants over some questions regarding the transaction——

(Here the honourable member reached his time-limit, but was granted one minute more to finish his speech.)

I will just finish with one important observation. The effect on the market has been very depressing. I just took cuttings from the *Statesman* of yesterday The Market for *Loose Jute*:—"Market continues dull, unchanged, with no business reported and quotations nominal on the basis of the agreed minimum rate of Rs. 8-8 and Rs. 7-8 per maund for Indian jat, middle and bottom. *Pucca Bales*:—Are quiet with no business passing, and quotations nominal. *Hessian*:—Very quiet conditions have continued in the hessian market to-day and re-sellers were more in evidence. Buyers, however, were holding off and there is no business to report," etc. That is the result of the wonderful agreement that Government have arrived at with the Jute Mills Association about their purchasing the jute at stated prices——

Mr. SPEAKER: Your time is up.

Mr. ABDUR RAHMAN SIDDIQI: May I rise on a point of order, Sir? If there are three names to a resolution, does every member whose name appears before the resolution get full 30 minutes?

Mr. SPEAKER: No. Anyone who, by choice or arrangement, moves the motion would get 30 minutes.

Mr. ABDUR RAHMAN SIDDIQI: Who would then be considered as the mover? I should like to be guided by you in this matter.

Mr. SPEAKER: So far as time element is concerned, it is a matter of mere adjustment between the Speaker and the one who speaks. If there are two or three movers of the same motion, usually it is for them to come to an arrangement as to who should be considered as the mover. I have always allowed 30 minutes' time to that member who has been selected as mover by arrangement between themselves.

The Hon'ble Mr. H. S. SUHRAWARDY: The last speaker spoke for 42½ minutes.

Mr. SPEAKER: I am sorry, it is not so.

Maulvi AHMED ALI MRIDHA: Permit me, Sir, to make a few observations in the way of a man from the village. I do not know much of politics, much less of political games. Our veteran friends of the Opposition are prone to make gambling of politics, and they criticise the Government in season and out of season. They blame the Government always in all measures. They have not even a word of solicitude when the Cabinet embarks on a measure promising greatest good to the greatest number. We are not enamoured of destructive criticism; we appreciate what is constructive criticism.

If our friends of the Opposition mean any action, an action which would give relief to the teeming millions of Bengal, the dumb people of Bengal, the agriculturists, let them evolve something as a practical proposition; let them apply their brains to bring forth something concrete, something real, something cut and dried of a good proposal with facts and figures and we shall never hesitate to give our best consideration to them. If the proposals of our friends bear scrutiny, and we are convinced that such a proposal would be the panacea of all ills of our society of cultivators, we shall not hesitate to give entire credit to our friends of the Opposition. Merely by calling this measure bad or that one worse and a third one indifferent will be of no avail. The invitation from the Ministry was not non-vocal. They themselves cast their best thought and invited the rest of the world to exercise their brain over this problem of problems. What literature has not been written and what reports have not been made by Committees and Commissions for which millions of the country's wealth has been spent? Not to speak of the pigmies of economists now vociferous at this late hour, the best brain of the Opposition has given their thoughts in writing. The actions taken by Government are fully in agreement with what is there the best and on which there is consensus of opinion from all quarters. That the price of jute must be raised higher and must be made stable there, or, in other words, that a high minimum price should be fixed for jute is the decision arrived at by us. With the transition period we are now in, tremendous is the problem that has to be met with imagination. The risk will be great, but the volume of the risk will not deter us from pursuing the path with a grim determination. We on this side of the House will never shirk our responsibilities. We are out to see that the price of jute is raised and the minimum raised price is fixed for the only money crop of Bengal. We are aware that the production of jute must be controlled, and we had accepted that as the principle. We shall not budge an inch from that path. Without control of production a fair price is not available and the next crop will grow under that restriction.

The difficulties have multiplied. The world is now in the grip of a devastating war and export is almost at a standstill. But for America the market is not open to any other country. Orders cannot come and orders cannot be honoured. The passage to the continent is not open. Along with this the overproduction of jute this year will make the problem still more difficult. At this juncture to embark on a scheme is risky, but we on this side of the House shall not shirk the responsibility.

We have now in our possession the clearest idea of the world demand and also of what may be the future contingencies. We are out to have restriction of the cultivation of jute in the next season.

The mill-owners are our enemies only in one sense. They are our friends also. If they are of the mentality to reserve to themselves the highest dividend from the mill business they are also the consumers of jute which is not an article of food for man. Jute is the giver of food but is not food itself. This aspect of the question that the mill-owners consume raw materials not for nothing but for a good price makes them our best friends also. At the present time when the outside world is not in our midst all in a crowd to bid for purchase of jute the mill-owners must be taken to be the best of our friends. They have to sell their products to the outside world and to their credit it may be said that they have arranged in a way that the price offered by them will be the best under the circumstances. Ours is to control production in future years and the mill-owners cannot help giving us the best price even from this year. The countries on the continent will also have their demand for jute satisfied on payment of a good price for it. The ordinance came at a time of crisis. The apprehension of a very large crop coming was there. The war also did break out. The jute market showed a tendency to fall to a fabulously low price. In reality, but for the steps taken by Government we could have only cast a sigh of helplessness. That there is some market even now is due to the ordinance and due to the purchase the Government had made of a large quantity of the surplus jute of the market—profit or loss was not the question. To maintain the confidence was the question then hanging fire. The risk was taken and in time. If risk was there of a few thousand rupees then we undertake to take the risk of a crore in future. At any rate we must have a good market for jute. If we err we shall err in good company. The experts and non-experts all have the same view. We are in the stronghold of the very strong world opinions of economists and the scientists of two decades at least.

Before I resume my seat I shall make one more observation regarding what was said by Mr. Iswar Das Jalan. He asked why the sowing of 1940 was not controlled. The answer has been given here more than once, and I need not repeat it now. It was the unanimous opinion of this House that the crops of 1940 could not be controlled on the basis of the records then available. If the Government took the step, it was,

on the advice of the members of this House who took the entire responsibility on their shoulders and now it is simply silly to suggest that Government was not right to declare that the sowing of jute in 1940 would not be controlled. Now, Sir, the time is fast approaching when Government will surely control the sowing of 1941, and I have no hesitation to believe that our friends will not spare the Hon'ble Ministers even then for their policy. We have therefore to deal with incorrigibility only on the other side of the House. The less said about them the better. I therefore oppose the motion of the Opposition member.

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. M. A. H. ISPAHANI: Mr. Speaker, Sir, in the course of his speech Dr. Sanyal referred to me and to the firm of which I am a Director. I have not been able to understand what Dr. Sanyal was driving it. If Dr. Sanyal means that no one should come to our office to write a letter or letters, I may tell him that we do not object to anyone who is connected with us in trade coming to our office at any time and using our paper or our stenographers. Dr. Sanyal may come in at any time and he will be very gladly welcomed. If Dr. Sanyal means that we should have no dealings with any particular person or persons or Corporation, I shall tell him that, as he should know, we are the largest exporters of hessian cloth from Calcutta and as such have very large connections and have very large dealings with a very large number of people in the gunny market. Sir, the member from Satkhira blamed Government for the natural consequences of overproduction. I submit that overproduction was not due to Government policy. The policy of restriction sponsored by Government last year was torpedoed by agitation and opposition from all sides. The Europeans threatened because restriction meant restriction of exploitation of the cultivator. The Projas accused Government of trying to prevent the cultivators from reaping as a result of war the God-sent harvest high prices and even some of our own supporters—supporters of Government, I mean—resisted to such an extent that Government were compelled to abandon the sound and bold policy of crop restriction Sir, the result was both natural and inevitable. The imaginary high prices did not materialise. On the contrary, prices began to decline and as the decline gathered force, prices began to tumble. With the approach of the new crop, coupled with the attitude of the Jute Mills Association, and the change in the international situation a serious crisis was threatened, a crisis that would have dislocated the trade of the province to an unimaginable degree. Government as they are a responsible Government had to step in and stop the rot, and give the urgently required confidence that the trade at that time required. This

they did by the fixation of minimum fatka price for jute pucca bales at Rs. 60 old crop and hessians 40 inches eight ounces fatka at Rs. 13 per 100 yards A.B. mills group. I submit, Sir, that had not Government intervened at that psychological moment, the consequences would have been disastrous. You can well imagine what would have happened. Had Government not fixed the minimum prices for pucca bales of old crop jute and 40 inches eight ounces in the fatka market, they would have not been able to retrieve even to the slightest degree the hopeless position of the jute cultivators. They would not have been in a position to force the hands of Mr. Walker and his colleagues in the jute mill industry to purchase their requirements at a somewhat reasonable price at least until the end of this year. I congratulate the Government therefore for having stepped in at the right moment at least to make an honest effort to save the cultivator. Sir, had not Government intervened jute would have sold at much less than Rs. 35 per pucca bale several months ago. Therefore, Sir, Government have really rendered a service to the cultivators to the best of their ability considering the small sum of money that they expended in checking, if not averting, the disaster that was facing the unfortunate and misguided cultivators of Bengal. Before I resume my seat, let me tell you, Sir, that I have always supported the policy of crop restriction. The Hon'ble Minister in charge of Agriculture will not deny this statement. I warned both Government and those honourable members of this House who were hostile to restriction that a monumental catastrophe would face them sooner than they imagined, if they did not tackle the problem of crop restriction boldly, quickly and fearlessly. Ruin faces the cultivator and Providence alone can avert the ruin. Government must step in rightaway. There is no time to be lost. Government must get busy and sponsor and enact such legislation as will drastically restrict the next crop and regulate the future crops on the basis of a reasonable annual demand. Sir, if Government do not act boldly with vision, total extermination will await the ill-fed and ill-read cultivators of this province.

Dr. NALINAKSHA SANYAL: Further boldness will mean foolhardiness.

Mr. W. A. M. WALKER: Mr. Speaker, Sir, I must confess to feelings of considerable satisfaction on seeing this resolution before the House for discussion. You yourself, Sir, towards the end of 1938 laid down the principle that ordinances of this nature promulgated by Government should be a matter for discussion by this House and that is a decision which everyone, including Hon'ble Ministers, must admit is only fair and reasonable. It would be a grave matter indeed if Government were able to legislate by ordinance at their own sweet will without fear of criticism or discussion. There has been a noticeably

increasing tendency on the part of the Government to promulgate ordinances, particularly in connection with the jute industry, and I am glad that at last we are going to have an opportunity of saying what we think about them.

That brings me to the ordinances under discussion to-night, and here I must confess to finding myself in a somewhat difficult position, for whilst I and my party wholly endorse the sentiments expressed in the resolution before the House, yet these ordinances have paradoxically produced one useful result. Let me briefly recapitulate the events leading up to the promulgation of these ordinances. Late last year and early in the present year we had witnessed spectacular rises in the price of jute and manufactured goods. Wild rumours and frantic gambling in the futures market were playing havoc with the jute industry until in April the international situation began to deteriorate and speculators could no longer bolster up prices to the false levels they had reached. Government having decided—here, I may say, with the full concurrence of the whole House—not to regulate jute sowings, were faced with the prospects of a large crop and prices which in their opinion, and I emphasize only in *their* opinion, were rapidly falling to what they considered dangerously low levels. They then hit upon the happy plan of inviting at our own expense as many people as they could think of either directly or remotely connected with the jute industry to a conference at Darjeeling.

Sir, this conference lasted two days, and although Government never came out into the open with any declared policy, they vaguely hinted at schemes of intervention such as fixation of prices and purchasing of jute, etc. An overwhelming majority of genuine jute-trading interests gave it as their cosidered opinion that there was no necessity for Government intervention and that the trade should be left to manage its own affairs. They pointed out the dangers of intereference by Government and offered them their co-operation in doing all they could to prevent prices falling to such a low level as to give an unremunerative price to the *raiyat*. They stressed the desirability of suspending or closing the futures markets which they considered a source of danger to both the *raiyat* and the trade in general.

What was the Government's reply? They said: send us up your proposals for stabilization and we will examine them before taking any further action, but, Sir, almost before we could settle down after our return to Calcutta, the ordinances had been promulgated fixing minimum and maximum prices in both jute and hessian futures markets. On what basis the prices fixed were calculated is beyond understanding, but I believe Government had a magic formula of multiplying the price of hessian by 4½ times in order to arrive at the price of jute. This might have been quite correct at the minimum price levels, but when it

comes to anything above those levels, the ratio must cease to function as manufacturing charges remain constant. I only quote this to illustrate the total lack of knowledge the Government possessed regarding the jute industry (Dr. NALINAKSHA SANYAL: Hear! hear!) and its workings, and the inordinate haste with which these ordinances were promulgated before asking advice regarding correlation of prices.

However, Sir, we can afford to be magnanimous, as out of evil has come much good. Recent events have created such a depression in the jute and hessian markets that even the minimum prices fixed by Government could not be maintained and the ordinance has become a dead letter. This in spite of the frantic efforts on the part of Government to bolster up prices by their extraordinary action—I think Dr. Sanyal called it suicidal—in buying old crop pucca bales at fantastic prices. The futures markets have now ceased to function for the past few weeks and no one has been the loser. On the contrary, we have had freedom from the constant rumours which were put out by speculators in order to move prices up and down (Dr. NALINAKSHA SANYAL: Question!) and in fact the downward trend of prices has been far less accentuated than it would have been, had the futures markets been open. The Hon'ble Minister will see for himself how unnecessary these futures markets are to genuine traders and the danger there may be of a further fall in prices should they reopen. (Dr NALINAKSHA SANYAL: What about hedgings?) I, therefore, ask him now to give us an assurance that before these ordinances lapse, he will take steps to see that the hessian futures market is not allowed to reopen and that dealings in jute futures be suspended until such time as the enquiry he has promised us has been concluded. (Dr. NALINAKSHA SANYAL: Not even started yet!) Such an assurance will satisfy my party that it is desirable that these ordinances should not be terminated by the passing of this resolution. I sincerely hope, therefore, that before the termination of this debate such an assurance will be forthcoming.

I would like to add one more word. Very many references have been made to rumours, and allegations have been made in this House as to the gambling proclivities of Hon'ble Ministers, and I am quite sure the House will welcome a statement that these allegations are unfounded

Dr. NALINAKSHA SANYAL: Let there be an impartial and non-official enquiry into the whole matter.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, although the subject-matter of this debate falls within the province of my honourable colleague in charge of Agriculture and Industries, nevertheless as on a previous occassion I was responsible for introducing an ordinance or two or three (Dr. NALINAKSHA SANYAL: Or four.)

(Laughter.) or four, for the regulation of jute, one of the ordinances helping considerably that section of the House which Mr. Walker represents and the other two ordinances helping, I hope, considerably that section of the House which we represent, namely, the agriculturists; (Cries of "Oh! oh!" from the Opposition benches.) I feel, Sir, that I would like to contribute somewhat to this debate, particularly in view of the charges that have been made somewhat veiledly by some members of this House.

Sir, I do not think that there is any need for a categorical denial of the rumours which have been circulated in the bazar and which I am surprised to find that even Mr. Walker has lent his ears to. I only wish that Mr. Walker realises the nature of the rumours that are being circulated not merely against himself and his committee, but against the members of his own party and that we ignore them, such rumours ought not to weigh with him as they do not weigh with us. We stand or fall by only one criterion, namely, whether the steps which we have taken have been taken in the interests of the agriculturists or not and whether our policy is dictated by their welfare and for maintaining the price of jute at an adequate level commensurate, of course, with the interests of the industry itself.

Sir, I maintain that all the steps that we have taken are justified by this criterion. Honourable members—including even Mr. Walker, who is obsessed, if I may say so, by his hostility to the futures market—forget that at the time when this ordinance was promulgated, the prices of all commodities were tumbling down round our ears. Everywhere there was pessimism and every department the prices were falling. There was panic and there was almost the danger of a financial crash. If we had not stepped in to maintain the prices of those two commodities which figure so largely in the financial and the business sphere of this province, there would have been a financial crisis and failures of a magnitude which can hardly, at this stage of time when we have to some extent averted it, be imagined. At that time, we stepped in and we kept—by artificial means, you may say if you like—the price of jute up to a certain level. Confidence was gradually injected, the prices rose and may I say that the persons who got the most benefit out of this ordinance, in the first instance, were those represented by Mr. Walker and his group. (Cries of "Question, question" by Mr. W. A. M. Walker.) At that time in Darjeeling, I pointed out to Mr. Walker that one of the reasons why business was not coming from America, Australia or South America was that the prices were sagging and these markets never came and never purchased unless they saw the bottom of the market here, and if we could put a bottom to the market business would come; and the business did come immediately on the promulgation of the ordinance. I think that

within a short while—within the space of a fortnight—orders for about 27 crores of yards were placed in the market here and the prices rose from the minimum of Rs. 13, near which it had been oscillating, to Rs. 15-8. After that, unfortunately Holland and Belgium were overrun, France began to totter, and the world conditions were too much for us and the prices fell. But you cannot blame the Government for stepping in at the psychological time. The Government did intervene and they were able to maintain the prices at an adequate level and the people—specially the group represented by Mr. Walker—got the benefit of our acts. It is now very very hard and painful to hear criticism of the ordinance from Mr. Walker and his group. I can very well understand the ill-informed criticism of Dr. Sanyal who cannot see anything good in what we do and who after having promised us a certain amount of constructive criticism spent all his forty-two minutes and a half in abusing Government and in criticising us, and kept his constructive ideas in his own pocket. But to hear this from Mr. Walker and his group who got the benefit out of this ordinance is something which makes me say—"Et Tu, Brute!".

Now, Sir, Mr. Walker whom unfortunately I now consider to be our chief enemy, has asked us to announce whether we will close the hessian market down or not and whether we will suspend the futures market until we can regulate them properly. I may say, and I can give my own opinion only at the present stage—we are considering this matter, as well as the ways and means of so regulating the futures markets that they may really be beneficial to trade and business. I do feel that the world conditions are such that if the futures markets are opened at this stage, they would bring down the prices and it is, in my opinion, advisable that they should not be opened, and I say this not to meet the wishes of Mr. Walker. Unfortunately, I have met his wishes, but I do this not to meet his wishes but because I feel that by opening these markets, we shall be harming the interests of the masses. I shall never give in to Mr. Walker and his group in future, and the policy of our Government shall always be dictated by the interests of our people. (Mr. SANTOSH KUMAR BASU: Stick to it always if you can!)

Now, Sir, the ordinance, which the honourable members opposite and some other members of the House have condemned, has served its purpose under the circumstances, and it has done what exactly Mr. Walker wanted, namely, it has closed the futures markets and has permitted him to buy and sell, not, of course, as he chose, but as he agreed with Government to do. Sir, one of the reasons why I feel that the two futures markets should be closed and should remain closed as long as Mr. Walker and his group act according to the terms of the agreement, is that he and his party will have a legitimate

grievance if these markets are opened and prices are depressed to unreasonable levels, so that they will be unable to maintain the levels which they have promised to Government. I realise the position of that group; they may have a justifiable grievance if the futures markets are opened; if the price, for instance, falls to Rs. 30 or Rs. 25, which can very easily be the case because there is a good deal of pessimism around, and, if there is free trade, possibly the agriculturists will not get more than Rs. 2 or Rs. 3 per maund. Mr. Walker may then say—"You are forcing my hands. I want to buy at as high a rate as between Rs. 7 to Rs. 9 for the various qualities of jute, but by depressing the prices in the futures markets and thereby bringing about a panic, you are forcing my hands and I cannot maintain my prices." So for these reasons I have to meet his wishes in this respect.

Sir, there are many, many points which have been discussed on the floor of this House, and there has been a great deal of digression from the ordinance itself. The entire jute policy of Government has been called into question, and it has been suggested that we have gone against the interests of the agriculturists by purchasing a portion of the old crop. I entirely agree with Dr. Sanyal that at that particular time, there was very little jute left in the hands of the agriculturists. But we were purchasing to maintain the price of the old crop in order to maintain the price of the new, and the result of our action was that whereas the mills had been purchasing the new crop at Rs. 47 at about that time, they had to increase their price to Rs. 55 (Dr. NALINAKSHA SANYAL: They are not purchasing.) Dr. Sanyal does not know what he is talking about. At that particular time when we were trying to maintain the price of the old crop, the price of the new crop, which the mills were purchasing at a low figure, went up immediately with the result that they paid as much as Rs. 11 for their jute and we were able to make the announcement that the agriculturists should not part with their jute at less than Rs. 9.

Sir, there was more than that. We wanted to show to everyone—to the world at large—that the Government were not bluffing and that when we embarked on a particular policy, we were going to break our neck for the purpose of maintaining that policy. We wanted the world to realise that any statement made by us is not made in a light-hearted manner and that when we say that we are going to regulate the crop next year for the purpose of maintaining the prices, we shall regulate it next year whatever may be the consequences. When we say that we are going to make every possible effort to see that the agriculturist gets a fair price, we shall do everything in our power to maintain that. If you ask if steps are being taken or not, our reply is that time has not yet come. At the present moment the price that is being obtained by the agriculturist is higher than what he would have got if the price

were fixed on the basis of the inexorable laws of supply and demand. (Interruptions from the Opposition benches: But you have not fixed the minimum price on that basis.)

Mr. SPEAKER: Order, order. It is only fair that when the Hon'ble Minister is speaking on a very serious matter like this, on which there has been debate for about two hours, he ought to be allowed to reply uninterruptedly for the time which he is entitled to speak.

The Hon'ble Mr. H. S. SUHRAWARDY: When time will come for us to settle the matter, we shall do so.

Now, Sir, it has been said, I think, by Mr. Jalan that we should allow the laws of supply and demand to operate. What will be the result if we allow the laws of supply and demand to operate? Seventy lakhs of bales being the demand and 140 lakhs of bales being the supply, the law of supply and demand will mean this, that the agriculturist will have to sell his goods for a song or he will have to destroy it or throw it at the feet of others or possibly tie it round his neck and commit suicide. We cannot allow the law of supply and demand to operate in this case, and that is one of the reasons why, if I may say so, I appreciate the manner in which the mill-owners, Mr. Walker and his group, have come forward for the purpose of maintaining the price as long as they possibly can. It is no use trying to fix the price of jute on the basis of supply and demand. Our policy is as follows:—If the goods can be sold at a certain price which does not depend on the supply and demand of jute or manufactured goods but on the price at which America, for instance, is able to buy, then we can pass on that price to the agriculturist. If the mills cannot sell the goods at Rs. 12 or Rs. 13, they cannot pay the price they intend to pay to the agriculturist. If they can, I see no reason why they should not pass on to the agriculturist at least from Rs. 7 to Rs. 9, although according to the law of supply and demand the agriculturist may not get more than Rs. 2. This policy, I am glad to say, Mr. Walker and others have, for the time being, accepted and this is the policy which we intend to pursue. He cannot understand why we fixed the prices at Rs. 13 and Rs. 60. Indeed, I am sorry that after two days' discussion, talking to him and at him, I have not been able to make him understand why this price was fixed. We have found by experience that America was prepared to pay this price, namely, Rs. 13 for hessian. We have found that America at a certain period of time was prepared to pay Rs. 16, or even Rs. 19 but it would not pay even Rs. 14 when the price was falling. That is one of the reasons why we fixed the prices at Rs. 13 and Rs. 60 as parity price, because we thought that America would buy at Rs. 13. As a matter of fact, America did

buy at a price varying from Rs. 13 to Rs. 15-8, and I hope Mr. Walker will admit that the figures that we have put down were clearly justified.

Dr. Sanyal has pointed out that we have issued six ordinances; he states that ordinances should not be issued except in times of emergency. In every case there was a case of emergency. The first ordinance was issued in 1938 when the price of hessian was crashing down to below Rs. 6. If we had not stepped in at that moment, many of the mills would have had to close their doors. It was an emergent measure, and it was justified by the return of prosperity to the trade. The next ordinance which we issued was at a time when the speculators were trying to bring the market down. We had to fix the price and we fixed it at such a level that the price was fair and just for the crop, and therefore without even the prospect of war, without even the war conditions coming in, the prices rose. Similarly, on each of these occasions we did so to meet an emergency. I am prepared to prove to the hilt that we did so when there was an emergency, and I think we were justified in our action.

It has been said very briefly that what Government did was to support certain persons. One should realise that any action of Government either this way or that will support some persons. If we do not step in, it will support the bears, or the sellers, namely, those who are most anxious to get the market down, to take advantage of the political situation and spread news, pessimistic news, that the British Empire is crumbling, that everything is at an end, and all that one has got to do is to sell everything one has got, turn it into gold and silver and bury it into the sands of Bikaneer. That is one side of the picture. That is the opinion of one party and the other party is optismistic and is inclined to buy goods. If I am to choose between the two, I declare on the floor of the House, as I declared before the meeting in Darjeeling, that I will always support the man who holds up prices, who maintains prices, the direct result of which is that the agriculturist gets a higher price, and I shall always go against the man who depresses the price, who makes a few lakhs of rupees in order to put that in his own pocket and brings untold misery to the agriculturist and causes a loss of crores of rupees. This is the policy which we shall continue. Unfortunately, as the honourable member knows very well, the man he referred to could not maintain his position long enough; his business collapsed and he became bankrupt. That was due to the fact that the forces were too much against him and he could not maintain his business. He thought, I take it, that Government would carry out its policy to a successful conclusion; and acted accordingly, but Dr. Sanyal now turns round and says that we acted for the purpose of maintaining a particular individual or in the interests of a particular individual. It is a scandal the like of which

can only be uttered by some members of the House whom we have to call honourable. I would ask them to take back every word of what they have stated. We have acted in an open and free manner. Whatever steps we took we took after full consultation with the industries, we told our mind to everyone, to the entire world, and no one was left in the dark. It was not done in a secretive manner for the purpose of giving advantage to any particular person. At a full conference we gave out our minds. Some thought that we were not going to take steps, some thought that we were going to take steps, but there was nothing underhand in our policy. We propose to continue this policy, namely, always to take the trade, the industry and the public at large into our confidence whenever we wish to take any action, so that such insinuation may not again be uttered on the floor of the House. Now, Sir, I will come to a close, but before I do so I must refer to certain remarks made by Dr. Sanyal. He found a great deal of coincidence in the fact that when a person had closed his transactions on the 28th June our sales also stopped on that day. As a matter of fact, our sales did not stop on that day but on the next day. The reason why the sales closed on the 29th June was that 30th June happened to be the last day of settlement in that market. We were not buying any more jute as the new crop was coming to the market as from the 1st July. There was therefore no reason for us to maintain the old crop market and whether the man closed on the 28th June or on the 21st June was totally immaterial for us. We were out firstly to gain some experience with regard to purchases. That is a fact. We wanted to purchase and we wanted to gain some experience in that line somewhat cheaply, how to purchase, through whose agency, what sort of guarantees we would be able to get, and so on; also we wanted to maintain the old crop to show to the world at large that we were not bluffing and that we had seriously embarked on our policy. We were, as I said, straining every nerve to maintain that policy and that was one of the reasons why we went to the market and I think we are justified in this in so far as it made Mr. Walker and his company sit up. Mr. Walker told us at Darjeeling—"Leave the trade to manage its own affairs; don't do anything to disturb the market." Mr. Walker now forgets that we told him over there that Government had no desire to interfere if only the trade will put a bottom to the market. Mr. Walker at that moment refused to put a bottom to the market. He did not say that below such and such price he would not buy. He wanted us to give them the price. If Mr. Walker had at that time given us the price which he subsequently gave, when he found that we were in earnest, we would not have perhaps stepped in at all. It is only after we began to purchase the stock that they sat up and took serious notice of what we said; here was a Government which was prepared to go to any extent in order to maintain the price for the agriculturist. They were against interference on principle, so they came to an agreement with us and

they gave us certain prices which were justified; and it was proper that Government should accept their offer and should not drive them——.

Dr. NALINAKSHA SANYAL: It was a nominal rate.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it was not a nominal rate for the time being because as long as they go on paying that price, so long as there are agencies, the middlemen's agencies, and a number of them compete among themselves, who are buying from the agriculturists, and if they can get their price from the mills so that they can have their 2-anna or 4-anna margin, they by competing among themselves will pay a corresponding price to the agriculturists. What is the position, Sir, to-day? The Calcutta market is unsteady, because the middlemen here see a huge crop in front, and they think that the prices must fall, but they cannot honour their sales to the mills by purchasing at a parity rate in the mufassal. One of these gentlemen in the mufassal told me that whereas he had to buy at Rs. 6-8 in the mufassal, he could only sell his jute at Rs. 7 in Calcutta which means that on every maund he had to undergo a loss of 10 annas. That is the present position. The prices to-day are not nominal, but if they do become nominal and if a time comes when the forces are too great both for us as well as for the mills, then I have not the least doubt that we shall step in much more actively and do something to keep up the price; and I hope that will be with the concurrence of the mills, with their agreement and, if I may say so, with their connivance; and if it is not with their concurrence, then it will be without their concurrence. But Government is not oblivious to the fact that it is their duty to see that the agriculturists get as high a price as they possibly can, considering the mearge resources of this Government, and the forces that are working against us.

The resolution of Mr. Syed Jalaluddin Hashemy—

> "That this Assembly disapproves the Bengal Raw Jute Futures and Hessian Cloth Futures Ordinance, 1940 (Bengal Ordinance No. II of 1940), as promulgated by the Governor of Bengal under section 88(1) of the Government of India Act, 1935."

was then put and lost.

Adjournment.

It being 8-5 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 9th August, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 9th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Quacks in mufassal areas of Bengal.

***132. Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that a number of quacks are practising in *mufassal* areas as doctors;

(*ii*) that they do not hold any diploma or degree;

(*iii*) that the qualified doctors with diploma or degree do not get any scope in the field; and

(*iv*) that the Punjab Government have banned unqualified doctors to use the title "Doctor"?

(*b*) Will the Hon'ble Minister be pleased to state what action the Bengal Government propose taking against the unqualified and unregistered quacks using the title of "Doctor" and using poisonous drugs?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) and (*ii*) Yes.

(*iii*) The field of practice of qualified doctors is no doubt affected to some extent by competition on the part of unqualified men; but it is certainly not true that qualified medical men do not get any scope for practice in the *mufassal* areas by virtue of such competition.

(*iv*) I have no information.

(*b*) No action is contemplated at present.

Dr. SHARAT CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to state if everybody is given freedom to use the title of Dr.?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware at present nobody can stop them from using that.

Dr. SHART CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to state whether all men even the quacks under the Law are allowed to use poisonous drugs?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That comes under the Police Department. I have got nothing to do with it.

Mr. NISHITHA NATH KUNDU: With reference to answer *(a)(iv)*, will the Hon'ble Minister be pleased to state what did he do to obtain information in regard to this question after he had received notice?

(No answer from the Minister.)

Election of Jhargram Local Board.

***133. Mr. NIKUNJA BEHARI MAITI:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) whether the Government have received any representation from the Jhargram Local Board for postponement of the election of that board; and

(*b*) when the Jhargram Local Board election was held last?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) In January, 1933.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if that representation was made as a result of a resolution passed by the Jhargram Local Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Probably so.

Mr. NIKUNJA BEHARI MAITI: Will he be pleased to state the date on which that resolution was passed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. NIKUNJA BEHARI MAITI: Has he got with him a copy of the resolution?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Not here.

Mr. NIKUNJA BEHARI MAITI: On a point or order, Sir. If the Hon'ble Minister cannot answer any question, it is very difficult to ask any supplementary question.

Mr. SPEAKER: He has already answered that question.

Mr. NIKUNJA BEHARI MAITI: It is pertinent I think, Sir, to ask if the representation was made as a result of the resolution passed by the Board.

Mr. SPEAKER: Yes, he has already answered that question.

Public Service Commission's nomination for appointment of Government Pleader of Faridpur.

***134. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) when the Public Service Commission of Bengal nominated candidates for the last appointment to the post of Government Pleader of Faridpur;

(*ii*) how many candidates were nominated;

(*iii*) what were the respective qualifications of each of the said candidates; and

(*iv*) whether any of those candidates has been appointed as the Government Pleader of Faridpur?

(*b*) If the answer to (*a*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) what are the qualifications of the Government Pleader appointed;

(*ii*) when he has been appointed; and

(*iii*) what are the considerations which have led to his appointment?

(*c*) Did the Government consult the District Officer, the District Judge and the Legal Remembrancer as to suitability of the present incumbent before his appointment?

(*d*) If so, have the Government given due consideration to their recommendations?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) In January, 1938.

(*ii*) Two, viz., (1) Mr. B. M. Sen and (2) Rai Sahib Nagendra Kumar Bhattacharji.

(*iii*) (1) Mr. Sen was called to the Bar in 1915 and was enrolled as an Advocate of the Calcutta High Court in the same year. He practised for two years (1915-17) in the Faridpur District Court and has since then been practising before the Calcutta High Court. He officiated as Deputy Superintendent and Remembrancer of Legal Affairs, Bengal, for two months and acted twice as Presidency Magistrate, Calcutta.

(2) Rai Sahib Nagendra Kumar Bhattacharji has been practising as a Pleader in Murshidabad since 1913 and was enrolled as an Advocate of the Calcutta High Court in 1931. He stands first in the Government Panel of Pleaders for Murshidabad and has officiated as Government Pleader.

(*iv*) No.

(*b*) (*i*) He is passed in Pleadership Examination of the Committee of Legal Education in the High Court.

(*ii*) The appointment is still on a provisional basis, the present incumbent of the post was appointed temporarily in April, 1938.

(*iii*) Pending the decision of the general question as to the procedure to be adopted in making appointments of Government Pleaders and Public Prosecutors Khan Sahib Md. Ismail, who was enrolled in the Government Panel of Pleaders was appointed temporarily as Government Pleader, Faridpur.

(*c*) The District Magistrate and Legal Remembrancer, Bengal, were consulted.

(*d*) Does not arise. The Public Service Commission was first consulted. Later on, these posts being excluded under section 266 (*3*) of the Government of India Act (*vide* Regulation 50A of the Bengal Public Service Commission Regulations), the temporary appointment was made independently of their recommendation.

Mr. SURENDRA NATH BISWAS: With reference to answer (c), will the Hon'ble Minister be pleased to state whether it is a fact that the District Magistrate and the Legal Remembrancer did not recommend Khan Saheb Md. Ismail for the post of Government Pleader of Faridpore?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as that is concerned, it is a confidential matter, and I am not prepared to disclose anything about that.

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister seeks shelter under the matter being confidential. Will the Hon'ble Minister be pleased to state whether the District Magistrate and the Legal Remembrancer were consulted and to state what opinions were received by Government from these two Officers?

Mr. SPEAKER: Same thing.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Of course, it cannot be disclosed, but I may tell you in confidence that the Government Pleader who has been appointed has been working very, very well during the last one year and a half compared to the work done by his predecessor.

Mr. SURENDRA NATH BISWAS. On a point of order, Sir, I do not want the Hon'ble Minister's opinion. My question is not to get the Hon'ble Minister's own opinion; I wanted the opinions of the District Magistrate and the Legal Remembrancer. The Hon'ble Minister says that the matter is confidential. Hon'ble members will judge for themselves.

Mr. SPEAKER: He has told you his opinion in confidence.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state frankly whether this post of Government Pleader of Faridpore is reserved by Government for a Muhammadan Lawyer?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is not a question of reservation. So far as the communal ratio rule is concerned, everywhere it is 50 : 50. In this case also, if the post of Government Pleader goes to a Muhammadan, there is every chance of the Public Prosecutor being appointed from the Hindu community.

Mr. SURENDRA NATH BISWAS: In view of the answer just given by the Hon'ble Minister that this post has not been reserved for a Muhammadan gentleman, will the Hon'ble Minister be pleased to state why Khan Saheb Md. Ismail, to whom the Hon'ble Minister has just now given a long and good certificate has been kept as a temporary incumbent for the last two years?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: We wanted to try him and now we have found that he is really very efficient.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether it is not a fact that the services of Khan Saheb Md. Ismail have been highly appreciated by the District Magistrate?

Mr. SPEAKER: That question has been already answered.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what were the considerations that led Government to appoint this gentleman who is only a P.L. in preference to Mr. Sen and Mr. Bhattacharji who are far more qualified than this gentleman?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Although Sir Ashutosh Mukherjee passed the B.L. examination in the second division, he was one of the best of Judges in his time in the High Court. (Laughter.)

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that Mr. B. M. Sen has now been practising for more than a year at Faridpur?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of that.

Realisation of dues from members of liquidated rural societies by certificate procedure.

*135. **Mr. MD. BARAT ALI:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that dues are being realised from the members of the liquidated rural societies by certificate procedure in the present economic condition of the agriculturists?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of stopping the realisation by certificate procedure?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Certificates are very sparingly used.

(*b*) Does not arise.

Exercise of certificate procedure by the estate of Nawab Bahadur of Murshidabad.

*138. **Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) whether the estate of the Nawab Bahadur of Murshidabad is still enjoying the privilege of the summary certificate procedure in the matter of realisation of rent by suits;

(b) the number of such suits instituted by the said estate in each of the years 1345 and 1346 B.S. so far as the district of Murshidabad is concerned;

(c) whether Government are in possession of any report showing the effect of the certificate proceedings referred to above upon tenants and other landlords; and

(d) whether Government contemplate taking any steps for putting a check upon the exercise of certificate procedure by the estate of Nawab Bahadur of Murshidabad?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Yes.

(b) 656 certificates were filed in 1345 B.S. and 750 in 1346 B.S.

(c) and (d) Government are not in possession of any such report but to mitigate all possible hardships involved in the application of the certificate procedure, the Board of Revenue has instructed the Manager to file certificates only for the recovery of demands about to be barred by limitation though under section 19 (1) of the Murshidabad Estate Administration Act, 1933, all arrears of rent and all demands recoverable as rent due to the estate are recoverable as public demands.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have received any personal or written representation regarding the rigours of the certificate procedure or threat of certificate procedure in regard to this estate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. One such instance was brought to my notice by the questioner himself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in connection with the debate on the rigours of the certificate procedure the Hon'ble Minister assured us that, so far as Government estates were concerned, they would see that no rigorous steps were adopted?

Mr. SPEAKER: That is why the Board of Revenue has taken action.

Dr. NALINAKSHA SANYAL: No action appears to have been taken actually, because in the reply it is stated that they have a provision——

Mr. SPEAKER: No, no. They have instructed the Manager that certificates will only issue where they are going to be barred.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the present Manager of the Court of Wards Estate issues letters of notice along with which a demand threat of the certificate procedure is also enclosed even for normal annual arrears?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: First of all, Sir, the estate is not under the Court of Wards. My friend is mistaken there. Secondly, Sir, threat of a certificate is not a certificate. I think it is a very good procedure which the Manager has adopted, viz., realising arrears merely by threat without putting the tenants into expense and hardship.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a threat of certificate sometimes acts in such a rigorous way that the tenants have got to sell all their household utensils to save themselves from the certificate?

Mr. SPEAKER: That is a matter of opinion.

Conversion of reserved forests into pasture ground.

*137. **Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Government contemplate the appointment of a Committee composed of officials and non-officials to find out ways and means of converting suitable plots of reserved forests of the Government in the entire district of Chittagong into rent-free pasture grounds for the cattle?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): In view of the accepted policy of reserved forests it is not contemplated to appoint such a Committee. Such parts of the protected forests in Chittagong as are of no great value commercially as forest are already being disafforested and considerable progress has been made in implementing this policy of disafforestation. A Committee has also been appointed

to advise Government on the best methods of converting such disafforested lands into grazing lands or to other productive uses and of managing the lands.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state, where there is no protected forest near the village but reserved forest near-by, what arrangement Government propose to make for the provision of free grazing lands?

The Hon'ble Mr. PRASANNA DEB RAIKUT: If my honourable friend has any complaints, he can appear before the committee and put up his suggestions.

Election of several local boards in Midnapore.

*138. **Mr. NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) when the local board elections were held last for—

(1) Contai,

(2) Tamluk,

(3) Jhargram, and

(4) Sadar

subdivisions of the Midnapore district; and

(*ii*) whether the names of the members declared to have been duly elected have since been published in the official gazette?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the delay in publishing the names?

(*c*) Have the Government received any representations from any or from all of the present local boards of the district for postponement of their reconstitution for the present?

(*d*) If the answer to (*c*) is in the affirmatve, is the Hon'ble Minister considering the desirability of laying copies of those representations on the table?

(*e*) Will the Hon'ble Minister be pleased to state what action, if any, the Government have taken on the representations referred to in clause (*c*)?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) A statement is laid on the table.

(*ii*) No.

(*b*) Under rule 48 of the Local Self-Government Election Rules, which is a statutory rule, the names of elected and nominated members of local boards are required to be published in the same gazette. The names of the elected members cannot, therefore, be published until a decision has been reached by Government regarding the appointment of members of the local boards under section 11 of the Local Self-Government Act.

(*c*) and (*d*) All the local boards in the district of Midnapore have passed resolutions requesting Government to postpone the election of the Jhargram Local Board only. Copies of these resolutions are laid on the Library table.

(*e*) The matter is under the consideration of Government.

Statement referred to in the reply to clause (a) (i) of starred question No. 138.

Contai Local Board—7th January, 1939.

Tamluk Local Board—20th and 21st February, 1939.

Sadar Local Board—20th February, 1939.

As regards Jhargram Local Board, the last election was held in January, 1933. The local board election in this subdivision which was due in 1938 had, however, to be postponed for the reasons given in the reply to the starred question No. 58 asked during the current session of the Assembly.

Reconstitution of the Midnapore District Board.

***139. Mr. NIKUNJA BEHARI MAITI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have received any representation from the Midnapore District Board for the postponement of the reconstitution of the Midnapore District Board till a future date?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of laying a copy of the said representation on the table?

(*c*) What action, if any, have the Government taken on the said representation?

(*d*) When was the Midnapore District Board last constituted?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Government have received a representation from the Midnapore District Board for the postponement of the election of the Jhargram Local Board which, if accepted, will automatically result in the postponement of the reconstitution of the District Board.

(*b*) A copy of the resolution passed by the District Board on the subject is laid on the table.

(*c*) The matter is under the consideration of Government.

(*d*) In January, 1934.

Resolution referred to in the reply to clause (b) of starred question No. 139.

COPY OF THE RESOLUTION PASSED BY THE MIDNAPORE DISTRICT BOARD AT ITS MEETING HELD ON THE 29TH JUNE, 1940.

"In view of the fact that war situation in Europe in which our British Government have been deeply involved and also in view of the fact that concerted action of all His Majesty's subjects in Dominions and Empire has been invoked to fight out the just cause of our Government in this war and whereas it would not be sound to direct people's time and energy and resources to any direction other than war at this critical juncture—

Be it therefore resolved that the impending Local Board Election at Jhargram be postponed till the normal condition is restored."

Dr. NALINAKSHA SANYAL: With reference to answer regarding the statement under question No. 138 as well as the resolution referred to in question No. 139, will the Hon'ble Minister be pleased to state the dates of the resolutions of the respective local boards and the date, i.e., 29th June, 1940, of the resolution of the district board in connection with the postponement of the reconstitution of the district board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, as regards the dates of the resolutions of the local boards, I want notice. The date of the district board resolution has already been given.

Dr. NALINAKSHA SANYAL: Is it a fact that the Sadar Local Board resolution was passed on the 22nd June, 1940; the Tamluk one on the 25th June, 1940; the Jhargram one on the 27th June, 1940; and the Ghatal one on the 22nd June, 1940; and that the district board resolution was passed on the 29th June, 1940? Is it a fact that all the resolutions were arranged or manœuvred and passed at the instance of local officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Apparently the honourable member has more knowledge than I have!

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the elections of three of these local boards were finished long ago, namely, 7th January for the Contai Local Board——

Mr. SPEAKER: He has already said that.

Dr. NALINAKSHA SANYAL: In view of that will the Hon'ble Minister be pleased to state if Government is considering the desirability of allowing the district board to be reconstituted from amongst the elected members merely by permitting the election of the Jhargram Local Board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already answered this question once before in this House, and the honourable member may look up the answer that I have given.

Dr. NALINAKSHA SANYAL: Probably the Hon'ble Minister has not understood my question. The Sadar Local Board and——

Mr. SPEAKER: Of the three local board elections, two have been finished and one is pending?

Dr. NALINAKSHA SANYAL: Yes, Sir. I found on the Library table that these local boards had passed practically the identical resolutions one and a half year ago.

Mr. SPEAKER: Naturally. Everybody wants an extension!

Dr. NALINAKSHA SANYAL: Although the Jhargram Local Board was formed in 1933, i.e., seven years ago, the election to that local board is still pending, but the elections to the other two local boards have been finished.

Mr. SPEAKER: Whatever it may be, the matter is under the consideration of Government.

Dr. NALINAKSHA SANYAL: That is why I am asking whether Government is considering the desirability of not accepting the recommendation about reconstitution of the Jhargram Local Board.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, as I have already said, Government are considering the matter and I cannot say anything further.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to state if the Contai Local Board, the Tamluk Local Board and the Sadar Local Board which ought to have been reconstituted long before, have not as yet been reconstituted?

Mr. SPEAKER: He has answered that question.

Mr. NIKUNJA BEHARI MAITI: If the Hon'ble Minister had referred to section 11, he would have found——

Mr. SPEAKER: I am sorry, that question does not arise.

Mr. DHIRENDRA NATH DATTA: In view of the fact that the cause for the postponement of election of the Jhargram Local Board is not local but is applicable to all the local boards in the province or, as a matter of fact, in the whole of India, if not in the whole world, will the Hon'ble Minister be pleased to consider the desirability of postponing the election of all the boards?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I cannot answer that question.

Victims of Defence of India Rules.

*140. **Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing separately, district by district, from the time of promulgation of the Defence of India Ordinance and Rules up to the 26th June, 1940—

(*a*) the number of persons convicted;

(*b*) the number of persons externed;

(*c*) the number of persons detained; and

(*d*) the number of persons restrained;

in Bengal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir N[illegible]n): A statement of the position up to the middle of July is laid on the table.

Statement referred to in the reply to starred question No. 140.

Name of district.	Number of persons convicted.	Number of persons externed.	Number of persons detained.	Number of persons restrained.
1	2	3	4	5
1. Calcutta ..	22	83	32	48
2. 24-Parganas ..	3	18	..	1
3. Jessore ..	1	..	..	..
4. Khulna ..	1	..	..	..
5. Murshidabad ..	3	..	..	..
6. Nadia ..	10	8	..	3
7. Howrah ..	6	..	..	1
8. Hooghly ..	3	3	..	10
9. Midnapore ..	4	10	4	3
10. Burdwan ..	18	15	..	1
11. Birbhum ..	..	5	..	..
12. Bankura ..	..	..	..	..
13. Dacca ..	23 (one acquitted on appeal).	..	11	6
14. Mymensingh ..	106	1	3	..
15. Faridpur ..	13	..	..	..
16. Bakarganj ..	..	..	2	..
17. Pabna ..	..	..	..	2
18. Bogra ..	..	..	..	..
19. Malda ..	3	..	..	7
20. Rajshahi ..	..	2	..	7
21. Dinajpur ..	6	3	..	7
22. Rangpur ..	2	1	..	18
23. Jalpaiguri ..	1	2	..	3
24. Darjeeling ..	..	..	..	..
25. Noakhali ..	9	..	1	3
26. Tippera ..	31	6	1	13
27. Chittagong ..	4	10	1	51
28. Chittagong Hill Tracts ..	..	..	..	..

N. B.—In addition to these, 98 orders of externment have been issued by Government: 10 from the Province and 88 from Calcutta and the industrial areas.

Mr. SYED JALALUDDIN HASHEMY: With reference to "N.B." below the statement, will the Hon'ble Minister be pleased to state if these persons have been externed after the middle of July or before?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, after the middle of July.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if any arrangement has been made for the provision of those persons who have been externed from their home districts or from their place of business?

Mr. SPEAKER: I am sorry, this question does not arise. You better put a separate question on that, because this refers purely to statistics.

Mr. SYED JALALUDDIN HASHEMY: Sir, this arises out of this question in this way——

Mr. SPEAKER: Many things may arise, but I am sorry, this question does not arise out of this.

Appointments made in Burdwan district in connection with Jute Registration Scheme.

*141. **Mr. BANKU BEHARI MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay a statement on the table showing for the present time—

(*i*) the number of persons appointed in the district of Burdwan in connection with the Jute Restriction Scheme;

(*ii*) how many of them are residents of the district of Burdwan; and

(*iii*) how many of those referred to in clause (*ii*) are from the—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes?

(*b*) Will the Hon'ble Minister be pleased to state whether the communal ratio was observed in making these appointments?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A statement is placed on the table.

(*b*) The communal ratio has been strictly observed in the Province as a whole and as far as possible, also in regard to the appointments made in the district.

Statement referred to in the reply to clause (a) of starred question No. 141.

Number of persons appointed in the district of Burdwan in connection with Jute Registration Scheme ..	84
Number of persons employed in Burdwan district under Jute Registration Scheme who are residents of the district ..	72
Distribution among (1) Caste Hindus, (2) Muslims and (3) Scheduled Castes of appointments held by the residents of Burdwan under Jute Registration Scheme—	
Caste Hindus	25
Muslims	37
Scheduled Castes	10

Mr. BANKU BEHARI MANDAL: Will the Hon'ble Minister be pleased to state the reason why although there were sufficient candidates, only 72 out of 84 were taken from the people of this district?

Mr. SPEAKER: Only 72 out of 84 have been taken and you ask why all have not been taken! (Laughter.)

The Hon'ble Mr. TAMIZUDDIN KHAN: The Chief Inspector was already a man in the Government service and two Inspectors and seven Assistant Inspectors were appointed in Calcutta.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Settlement of ditches on both sides of Dacca-Chittagong Trunk Road.

77. Mr. HARENDRA KUMAR SUR: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*i*) that in the matter of settlement of ditches lying on two sides of the Dacca-Chittagong Trunk Road from the Feni town to the border of the Tippera district the Local Government have issued a circular embodying their decision in the matter to the effect that these ditches should be settled with persons who have got adjoining homestead or *khas* lands; and

(*ii*) that the *Khas Mahal* authorities, Noakhali, have managed to grant settlement to persons who have got no adjoining homestead or *khas* lands nor any land whatsoever in the neighbourhood of those ditches?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the cancellation of settlements referred to in clause (*a*) (*ii*) and disposal of the lands in favour of applicants who have got adjoining homestead or *khas* lands are enunciated in Government Circular mentioned in (*a*) (*i*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether there was any circular at all regarding the settlement of ditches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, there was no circular. I have already said that in the answer.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether there was any instruction issued to the District Collector in the matter of settlement of ditches?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Absence of Muslims among the Officials of Revenue Department.

78. **Maulvi WALIUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the number of officers at present existing in the Revenue Department (including the Board of Revenue, Bengal, and the Director of Land Records and Surveys Department)?

(*b*) Is it a fact that none of the officers, namely, Secretaries and Assistant Secretaries to the Government of Bengal, Revenue Department, and the Board of Revenue, Bengal, and the Director of Land Records and Surveys, Bengal, and Personal Assistant to him, is a Muslim?

(*c*) If the answer to (*b*) is in the affirmative, do the Government contemplate posting some Muslim officers in some of the posts referred to in clause (*b*)?

(*d*) If not, what are the reasons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Nine.

(*b*) Yes.

(*c*) and (*d*) The work in the Revenue Department is of a technical character and selection of officers for these posts in this department has therefore to be made from those who have the best experience and aptitude for such work. Muslim officers have been appointed to some of these posts in the past and will be appointed in future according to their qualifications.

Mr. ABDUL WAHAB KHAN: With reference to answer (*c*) and (*d*), will the Hon'ble Minister be pleased to state whether any Muslim Officer other than the gentleman whom we all know, viz., Khan Bahadur Abdul Momin, held any of these posts at any time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not aware of what happened in the past, but that is one instance which is uppermost in the mind of everyone of us.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether there are Muslim Deputy Magistrates either in the General Line or holding Listed posts even now who have sufficient revenue and khas mahal experience, and, as such, have such aptitude as to hold these posts of so-called technical nature?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sure, there are.

Maulvi MUHAMMAD ISRAIL: With regard to the nine appointments referred to in answer (*a*), will the Hon'ble Minister be pleased to state the number of appointments that have been made since 1937 up till now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think there was only one appointment, so far as I remember, made in 1937, namely, the Director of Land Records and Surveys.

Maulvi MUHAMMAD ISRAIL: And one Secretary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, there was also one Assistant Secretary appointed.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the nature of technical qualification of the Personal Assistant to the Director of Land Records and Surveys and also of the Secretary to the Board of Revenue?

Mr. SPEAKER: That question does not arise.

Allowance to externed workers of Calcutta Electric Supply Corporation, Limited.

79. Dr. SURESH CHANDRA BANERJEE: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that some workers of the Calcutta Electric Supply Corporation, Limited, have been arrested and are now in externment?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of making arrangement for giving allowance to the externed workers of the Calcutta Electric Supply Corporation for the period of their externment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) Allowances will be given in deserving cases and when the circumstances appear to warrant it.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what steps have Government up till now taken to find out the deserving cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: The cases of those who apply are examined.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how many persons have up till now applied to Government for such allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Four.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to consider the desirability of extending the same concession to other people also who have lost their income by being externed?

The Hon'ble Khwaja Sir NAZIMUDDIN: This applies to all who have been externed.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether any allowance has been given to any of those four persons who have applied?

The Hon'ble Khwaja Sir NAZIMUDDIN: In one case, orders are under issue in consultation with the Finance Department.

Mr. ATUL CHANDRA SEN: Sir, the Hon'ble Minister has just now said that this will apply to all cases of externment. Will he be pleased to consider the desirability of extending this concession to people who have been externed under the Defence of India Rules also?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what I have just now stated that the policy of Government, as enunciated in my answer to this question, applies to all those who are externed under the Defence of India Rules.

Mr. ATUL CHANDRA SEN: Has any action been taken so far?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether any allowance has been given to anybody and will he also please give us an idea of the amount to be given to externed persons?

Mr. SPEAKER: That question does not arise.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that when Police Officers serve these orders under the Defence of India Rules, the victims always apply for money which is refused to them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that this does not arise out of this question.

Mr. SPEAKER: Yes, it does not arise. As a matter of fact, the supplementary question on the application of the concession to otners does not strictly arise. But it was a question of principle and that is why I allowed it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that some of the Calcutta Electric Supply Corporation workers, at the time of service of notice, applied to the Police Officer who went to serve the notice for expenses, to comply with the order?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Present Assistant Registrar of Co-operative Societies, Khulna-Jessore.

80. Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*a*) that the present Assistant Registrar, Co-operative Societies, Khulna and Jessore, has his headquarters at Khulna; and

(*b*) that he is there for about two years?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) He joined Khulna on the 22nd December, 1938.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he is aware of the fact that there is a feeling both in official and non-official circles in the entire district of Khulna against this particular officer?

Mr. SPEAKER: That question does not arise. You can ask about the headquarters and anything about the period of time.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that during the last general election of the Khulna Co-operative Central Bank, this particular officer in open public meetings canvassed for a particular party?

Mr. SPEAKER: I am sorry you cannot ask this question.

Mr. SYED JALALULDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that this particular officer is the son-in-law of the Hon'ble Minister himself?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I can assure the House that I have not got any daughter. (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if this particular officer is the son-in-law of the brother of the Hon'ble Minister?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if this particular officer himself handed over to the District Magistrate of Khulna a list of nominations of the union boards and debt settlement boards thereby causing the annoyance of the District Officer?

Mr. SPEAKER: That question does not arise.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state if it is a fact that the services of the officer in question have been greatly appreciated by the Government?

Mr. SPEAKER: Question does not arise. Next question.

Supplementaries to Starred Question No. 120.

Mr. SPEAKER: Mr. Chaudhuri, you ask only two questions.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*b*), is the Hon'ble Minister considering the desirability of asking the Inspector-General to expedite the consideration of the matter having regard to the fact that there is a large number of T. B. patients in the jail hospital?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as asking the Inspector-General for expediting the matter is concerned, certainly my answer is in the affirmative.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to enquire whether any effect has been given to the recommendation made by the Board of Visitors at their meeting held on the 13th October, 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), where the Hon'ble Minister has stated "that larger provision of fish instead of *dal* to the Bengalee prisoner in the jail cannot be given" will the Hon'ble Minister be pleased to state whether Government have arrived at that decision owing to the higher cost of fish or for any other reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far no complaint has been made about food.

Rai HARENDRA NATH CHAUDHURI: Is the Government considering the desirability of revising the Jail Code in view of the fact that quite a large number of prisoners are suffering from bowel complaints for deficiency of fish supply?

The Hon'ble Khwaja Sir NAZIMUDDIN: After all they are Bengali prisoners and *dal* is their staple food.

Mr. ATUL CHANDRA SEN: Does the Hon'ble Minister admit that a large number of prisoners suffer from diarrhœa and dysentery during the rains and summer?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the usual thing in Bengal.

Mr. ATUL CHANDRA SEN: Does the Hon'ble Minister know that complaints within the jail are larger than those outside the Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: Outside the jails there are also complaints and no facts have been put up to show that the percentage of complaints in jail is higher than outside the jail.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government will consider this question if complaints are received from the prisoners themselves?

Mr. SPEAKER: That is too theoretical a question.

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Misdemeanour Bill, 1939.

Dr. NALINAKSHA SANYAL: I beg to move that the Bengal Misdemeanour Bill, 1939 (it ought to be 1940 now) be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur,
(2) Mr. W. C. Wordsworth,
(3) Dr. Syamaprasad Mookerjee,
(4) Mr. Fazlur Rahman (Dacca),
(5) Mr. Syed Badruddoja,
(6) Mr. Abu Hossain Sarkar,
(7) Mr. Pulin Behari Mullick,
(8) Mr. Pramatha Nath Banerjee, and
(9) the mover,

with instructions to submit their report by the 30th September, 1940, the number of members forming the quorum being five.

Sir, it is not without some amount of trepidation that I seek to sponsor a Bill of this character, and at the outset I must frankly state that if the Government of the day would in their wisdom think of bringing in a Bill of similar character themselves, it will give me the greatest pleasure to withdraw mine in favour of a Government Bill on a subject of this importance. I would shortly and briefly state the circumstances under which I was compelled to give notice of this Bill. It was about two years and a half ago that I had an occasion in my own humble way in connection with the business firm with which I was connected to go to the Corporation of Calcutta for the sanction of a building. I then discovered to my utter amazement that a building would not be sanctioned if one could not go there day to day personally and could not also please some members in a manner for which one should be ashamed. After a few months when it so happened that the building was sanctioned by the Committee, four members of the Committee put in motions and in three days I discovered that I could not proceed with the work until and unless those motions were disposed of. It was then, Sir, that I discovered the necessity of a Bill of this character. I saw the Chief Executive Officer; I saw prominent members of the different parties; I spoke to the leaders and they all said—Well, these gentlemen are amenable to reason; see them and manage with them. Thereafter, Sir, I went to one gentleman. He demanded Rs. 500 from me to enable him to withdraw the motions

standing in his name. "Well, you are representing a big company; the company is going to have a house built at a cost of about a lakh and Rs. 500 is nothing," said he.

Mr. C. W. MILES: What is the Councillor's name?

Dr. NALINAKSHA SANYAL: Mr. Miles wants to know the name. I can tell him this gentleman's name, an optician, and he is now——

Mr. SPEAKER: Dr. Sanyal, you need not give out the name.

Dr. NALINAKSHA SANYAL: I was not going to do so, Sir, but unfortunately Mr. Miles wanted to know the name. The Hon'ble Mr. Suhrawardy also says that the name should not be given out. Sir, I quite appreciate the anxiety of Mr. Suhrawardy to have the name deleted because that gentleman has now been created an Honorary Magistrate by the Government of Bengal and is now dispensing justice! There was also a European member to whom I had to give 50 chips. He is Mr.——

Mr. C. W. MILES: Is he a European?

Dr. NALINAKSHA SANYAL: I do not know but he voted with the Europeans in Corporation affairs.

Mr. SPEAKER: I may again tell you, Dr. Sanyal, that it is not parliamentary practice to refer to names particularly as this is not a proper occasion for mentioning names.

Dr. NALINAKSHA SANYAL: All right, Sir. In all fairness I must also admit that there were two Congress members involved in this affair but I will not name them, in spite of the desire of the Coalition Party, in accordance with the ruling of the Chair. Sir, on that occasion I went to the Commissioner of Police, Calcutta. Mr. Colson was then the Commissioner of Police. I told him about being blackmailed out of this money and I also told him that I had never done such a dirty thing in my life and asked him whether he could help me to get these men properly put up before a court. Mr. Colson said frankly that the law did not give him the power to do so; that the police were not there to do anything to threaten and frighten people, and that if he was only given the necessary power he could help in bringing these men to book. Mr. Colson also advised me to go and consult the lawyers to find out if there was any law which could give me relief. I told him that there was a law which prevented and punished

bribery but he said that that law related to public servants only—not to members of the Legislature or members of Corporations and Municipal Bodies, unfortunately. Then on the same occasion I consulted some of the best lawyers and solicitors of Calcutta. They confirmed that what Mr. Colson said was quite correct. And then they informed me that in their wisdom the British Parliament had enacted a suitable law after years of experience. In Great Britain also similar things had happened,—not of course in the time of Mr. Miles or mine, but in the 17th, 18th and 19th centuries, and if Mr. Miles is anxious to know the facts he might look up a book by Theobald Mathews "For lawyers and others" which he could read with great advantage. The British Parliament had legislated on this matter. I hunted the legislation of America, Britain and other places and found, with the help of my lawyer friends, that the British Parliament had, in view of the experience they had in this connection, a similar enactment provided for in the Public Bodies Corrupt Practices Act, 1889 (52 and 53 Vict. Ch. 69, 1889). The preamble of that Act was like this—"An Act for the more effectual prevention and punishment of bribery and corruption of and by members, officers and servants of Corporations, Councils, Boards, Commissions and other public bodies;—Whereas it is expedient more effectually to provide for the prevention and punishment of bribery and corruption of and by members of such services, Corporations, Boards and other public bodies, be it therefore enacted," and so on and so forth.

I then drafted this Bill with the help of persons who know something about the art of drafting and I followed practically the wordings of the British Act. At the same time I discovered—because when I was looking into this thing simultaneously my attention was drawn to one important omission in the Government of India Act itself that the new Government of India Act does not provide for certain things which were provided for in the old Government of India Act of 1919, in Part XI, under "Offences, Procedure and Penalties". There it was provided that certain persons holding office under the Crown would be punished if they were found trading, or receiving presents or doing similar things which were called acts of misdemeanour. I had to change the nomenclature of my Bill to "the Misdemeanour Bill" because I felt that on account of a Corrupt Practices Act already in existence, but which relates to elections, people might confuse my Bill with election corruptions and things like that. Therefore, Sir, I preferred the name Misdemeanour. In that Act—I am now quoting from Halsbury's Laws of England—it was provided—"that a person who attempts to procure an office by offering a bribe to a Privy Councillor or Minister of the Crown is guilty of misdemeanour at Common Law," and it fitted my case in some directions very well.

because my friends in this House must be aware how scandalous things have come to be in this province, particularly in the matter of distribution of offices. It was also provided there that "every person is guilty of misdemeanour at Common Law who bribes a ministerial officer, or, being a ministerial officer accepts a bribe where the object of such bribe is to induce such officer to do or to omit to do any act contrary to his official duty or to show favour or partiality in the discharge of his duty." It is also provided that "any person is by statute guilty of misdemeanour who by himself or in conjunction with any other person corruptly solicits or receives or agrees to receive for himself or any other person any gift, loan, fee, reward or advantage as an inducement to any member or servant of a public body doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body is concerned or, corruptly gives promises or offers to any person whether for the benefit of that person or of another person any gift, etc., as an inducement to or reward for or otherwise on account of any member, officer or servant of a public body doing or forbearing to do anything in respect of any matter in which the public body is concerned." It is also stated—and those who have experience of the working of the Corporation of Calcutta and similar public bodies including the Calcutta Improvement Trust will realize and understand the implications very well—that, "where the matter or transaction in relation to which the offence is committed is a contract or proposal for a contract with His Majesty or any Government department or any public body or is a sub-contract to execute any work comprised in such a contract, the punishment is penal servitude for a term not exceeding seven or less than three years." And there are also very rigorous provisions for presumption of corruption. Further, Sir, it is also provided that "a person who accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person or for any purpose, any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the grant of a dignity or title of honour to a person or otherwise in connection with the grant is guilty of misdemeanour by statute". So also is the person who gives or agrees or proposes to give or offers the gift, etc., the punishment for this offence, on conviction on indictment, being imprisonment for a term not exceeding 2 years or a fine not exceeding £500 or both imprisonment and fine. Having studied the legislation over there in Britain I drafted my Bill. My Bill is a very simple one.

It contemplates certain things other than those covered by the Victorian Act, because when I was drafting the Bill yet another matter was brought to our notice, and that was in connection with a famous election petition case, in which an Hon'ble Nawab an ex-Minister

figured as a party. In connection with that election petition case, the learned Chairman of the Tribunal stated that there was an anomaly and the present Law failed to ensure free exercise of franchise by the people and to prevent the utilization by persons in authority of the services of officials placed under them. This anomaly "is likely to lead to a grave and dangerous form of corruption in public life." Sir, we had at that moment thought that the revelations that were made in that connection would open the eyes of Government and Government would, I say again in their wisdom, have a Bill of their own, but far from it, the Government condoned the offences of those persons and officers who were found guilty by the tribunal and they are still merrily going on and some of them have been promoted to hold better offices. Later on what happened? In subsequent elections that were held in the country we noticed that certain Hon'ble Ministers themselves utilized the good offices of the local officials, and when we appealed to the Home Department for relief the Home Department turned a deaf ear. When I appealed to His Excellency the Governor, His Excellency the Governor advised me to wait till the Home Department disposed of the matter, and the matter is still hanging fire. I have not got relief even now, probably because the Law does not give any protection. If there was any legal protection, I would have proceeded in law against the Hon'ble Minister concerned, or those aggrieved would have an opportunity of proceeding in law. I apprehend that things like this are going to be repeated. When we have democracy we ought to realize that unless public life in the province is purified, the functioning of democracy in a proper atmosphere will become impossible. If to-day those persons in authority make use of the machinery of Government to maintain themselves in authority no election can function. We have heard just now about a quarter of an hour ago how in a particular district elections have been postponed or sought to be postponed, and the formation of a District Board, a democratic self-governing organization, is postponed *sine die* on a frivolous plea. We had heard day before yesterday in this House how on another occasion in the Municipality of Jangipore through the machinations of certain influential members who happen to curry favour with the present Government certain things which happened long ago and for which petitions have been duly made to Government are not being dealt with quickly and are still lying under consideration. I apprehend that these things are going to be repeated, and the time has come—whether it is for the benefit of one section or another, whether it is for the Congress Party or for the Muslim League I do not care—and the time has come when every party should with one voice claim that we must eradicate corruption, bribery and abuse of power from whatever quarter it flows. To-day, Sir, standing as I am in the Congress benches, when I lay this claim I do realize also that there might have

been similar charges against members of the Congress Government in other provinces. There might have been rumours also about certain individuals belonging to the great organization to which I have the honour and pleasure to belong. But, Sir, that does not mean that there should be a single person either of the Congress or of the Muslim League who would not like a healthy measure of this character to be passed so that for all time to come posterity will put an end to the manner in which scandalous things are taking place to-day. I crave the indulgence of this House to a serious consideration of this matter. I have painfully noticed that the Coalition Party has decided to scotch my Bill to-day. It has given me pain not because I will not have the pleasure of introducing and fathering an important measure of reform of this character, but because I do not find in it any attempt to have a corresponding Bill introduced or pressed by Government themselves. I am not one of those who would look up for personal publicity or vanities. I would be most happy if the Hon'ble the Chief Minister or any Minister concerned assures me that within the course of this session or the coming session the Government themselves will bring forward a Bill of this character.

Sir, it is more than two years now since this Bill has been before the members of this House. On the 26th January, 1938, I gave notice of this Bill. Session after session I kept the Bill alive. I was afraid and mightily afraid too that there will be a massacre of the innocent, but that child has through much fostering care been brought up more than two years old, and it is a great pity that the Government are going to kill the child.

What has been the opinion of the public with regard to this Bill? On the last occasion when the Bill was sent for eliciting public opinion, the public of Bengal had an opportunity of expressing themselves on this Bill. I do not know how many of my friends have had the time or the energy or the inclination to go through the opinions expressed by the public. I will just read out a few. Practically the whole section of the public to which the Bill was referred was unanimous in welcoming the provisions of the measure. There were only one or two cases in which there was some doubt expressed about the practical aspect of the punishment clause. Also the Bengal Chamber of Commerce advised that although the Bill was a very good one, it should come from the Government and should not be left to a private member to foster. I have already made that clear. If you can get the Government to give us that assurance, I shall be most happy and I will not certainly press to have the wordings of my enactment or my Bill accepted. I have proposed a Select Committee to enable the Government, to enable every section of the House concerned, to go through the details of the provisions clause by clause, section by section, line by

line and sentence by sentence and if I cannot convince them about the justice or about the fairness or about the draftsmanship in my Bill, I shall be prepared to accept any alteration that might be suggested by the Select Committee. But I cannot understand the attitude adopted by the Government party to scotch the Bill forthwith. Sir, I will just quote one or two opinions expressed.

The Chairman of the Hooghly-Chinsura Municipality communicates:—

"In my humble opinion, the Bill is a welcome measure. The abuse of power by persons in authority by utilising the services of subordinates placed under their control in various unlawful ways is a well-known fact, and I do not know of any Act of any Legislature now in force in British India which effectively deals with such cases of misdemeanour, corruption, and abuse of power by persons placed in public life. The sooner the Bill is passed into Law, the better it is for the poorer and less fortunately placed people in Bengal. All lovers of democracy without an exception should wholeheartedly support the Bill in its entirety."

If I draw the attention of members of the House to the note circulated, they will notice that practically everyone unanimously welcomed the provisions of the Bill The number of opinions gathered so far have been nearly 65. I submitted on the last occasion to the Hon'ble the Chief Minister who then gave me the assurance, that this Bill should be sent out to the Bar Libraries of the province for opinion, but, Sir, unfortunately the opinions of the Bar Libraries were not sought. Still stronger support would then have come.

Sir, whatever I feel is not a matter for the House to decide, but I would like to tell the House in conclusion that if a healthy measure of this character is sought to be scotched to-day, the responsibility will be of those eminent members of the Legislature who are now in a majority and who now control the policy of Government. Let not posterity say that the majority party in this House favoured corruption, fostered bribery and did not like to eradicate the evils that are to-day existent in public life. Let them think twice, pause for a moment and if they search their own hearts, if they carefully examine the provisions of the Bill and the implications of it, I am perfectly certain that there will not be the slightest opposition to a measure of this character and particularly to my motion. My motion is for sending it to a Select Committee just now. That Select Committee, may, if it likes, have an entirely new Bill. That Select Committee—as the Hon'ble the Chief Minister said on another occasion—might place an entirely different form on the Bill, but the purpose will be there and I most respectfully expect the Hon'ble Minister in charge of Justice to do me this little justice to-day and accept the motion that I have moved.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I have very patiently heard the speech of my honourable friend Dr. Nalinaksha Sanyal. He tried his level best to convince the House that he has brought in a meausre which, if accepted, will be a panacea for all evils. I am not one of those, Sir, who think that this is at all a panacea. If you think that your countrymen are so very bad that in whatever position they may be,—Ministers, members and councillors—all are subject to corruption and bribery, then better bid good-bye to all democratic principles and let there be a dictator to dictate things to you and these things will be all right. I do not belong, Sir, to that school of thought——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. I have avoided any personal reference in my speech to-day. I know that the Hon'ble the Chief Minister cannot stand scrutiny himself, also along with other Hon'ble Ministers, if I give a catalogue of their misdeeds. I would only expect that the Hon'ble Minister will avoid all personal reflections——

Mr. SPEAKER: Order, order. He has not made any reflection on you.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My friend has become very, very anxious. He does not care to hear what the other party has got to say, and I hope that he will kindly give us a patient hearing. I personally do not belong to that school of thought which believes that the country is so bad that a legislation of this kind is the only way to redress the grievances. I have not taken any office help in my elections from 1923 onwards. So, it is not always the office that secures an election. You must have noticed, Sir, that even the gentlemen who wanted to be elected could not secure it with the help of officials even. So, I do not believe that in the matter of election it is official interference that succeeds. On the contrary, I have found that whenever any official interferes in an election, that election has proved a failure. (Cries of "Hear, hear" from the Coalition benches.) That is my own experience, Sir. If my friend now thinks that interference by an official can change the mind of the people at all in this democratic age, he is not probably right. At this time when everybody knows what he is actually doing; if any official will try to influence a voter he will resent it. He will at once say that he will not vote on that side. That is how my friends in the Congress benches have fought their election. Can they say that their election could have been stopped by any opposition? If that was so, then the Opposition benches would have disappeared altogether! Exactly in the same way in these benches also anybody who came to any official for helping him in the election failed. So, there is absolutely no reason

for anybody to apprehend that in election affairs official interference will bring any good to any person who indulges in it. So, his idea that this will be a very good cure for official interference is not correct. In this Bill Dr. Sanyal wants to control the actions of officials. I can tell you, Sir, that Government has already adopted rules for the conduct of Government officials. The very word which my friend has used in his Bill is a facsimile copy of the rules that Government has framed for the conduct of Government officials. Government is the employer of persons. If Government now has accepted all these rules for the conduct of Government officers, I see no reason why a legislation of this kind has become necessary. I would refer my friend to the Government Servants Conducts Rules, corrected up to 1st January, 1939. If he would care to listen to me—not to speak of others (laughter)—he will find that these rules contain exactly all the principles which he wants to enunciate here, and he has simply copied those rules here. My friend is under the impression that simply because these rules cannot be framed under the Government of India Act, 1935, Government has not done anything. If he had any mind to know and if he had only enquired from the Secretariat, he would have got copies of these rules which contain everything that he wants in this Bill. So I say, Sir, that there is no justification for an enactment of this kind.

Sir, if you permit me I may make mention of one or two points in the Bill which are very objectionable. The first point of objection is that the mover of the Bill is a layman who wants to make an attempt at legislation without any knowledge of the principles of law and he wants to disregard all the established principles of law and make a new principle. For example, he wants to tell us here in India and not in France that if a man is guilty, the accused will have to prove his innocence. But is that practice followed here under the Criminal Law? Is there any such principle of law either in India or in the British Isles? The salutary principle followed here is that the prosecution have to prove the guilt of the accused.

Sir, then as regards the procedure he says that it should be done as a civil case, but we very seldom hear civil courts punishing a man ordinarily for such an offence. There may be just one or two cases where civil court has been given the authority, but we should not allow civil courts to deal with all cases that may come under this law. So, taking into consideration the fact that Government have already got rules——

Dr. NALINAKSHA SANYAL: For Government servants only and not for Ministers or for Corporation officials.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Ministers have also been referred to in the Rules.

Dr. NALINAKSHA SANYAL: Which rule, please?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: You have never cared to read the rules. Let me read out the relevant rule: If, being the Governor-General, or a Governor, Lieutenant-Governor or Chief Commissioner, or a Member of the Executive Council of the Governor-General or of a Governor or Lieutenant-Governor, or being a Minister appointed under this Act——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I submit, Sir, that that is a quotation from the Government of India Act, 1919, section 124 (*4*) which has now been deleted? The Hon'ble Minister does not know that.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is a thing which has been accepted by this Government. It might have been deleted in the Government of India Act but that does not mean that the whole thing has been put a stop to by this Government. On the contrary, I may tell you that this Government has accepted all these Rules *in toto* and the whole thing has been corrected up to 1939. So all these things are there and we are working them out. Now, if you say that the Government are silent and have allowed everything to lapse and have not done anything in this direction, I am afraid, you are wrong. Government have accepted these salutary principles and they are working them out. So what justification can there be for anybody to come here and say that Government have done nothing in this direction during the last four years——

Dr. NALINAKSHA SANYAL: On a point of order, Sir, may we know if there is any provision in the Government of India Act or any legal authority on this point? Sir, there is no use repeating the same thing and accusing us of want of knowledge.

Mr. SPEAKER: If you are not satisfied, I cannot help it.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It would be merely repetition of things if I would again speak on this point. So, under the circumstances, I believe, there is no justification for bringing in such a Bill and I oppose it.

The motion of Dr. Nalinaksha Sanyal that the Bengal Misdemeanour Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur,

(2) Mr. W. C. Wordsworth,

(3) Dr. Syamaprasad Mookerjee,

(4) Mr. Fazlur Rahman (Dacca),

(5) Mr. Syed Badruddoja,

(6) Mr. Abu Hossain Sarkar,

(7) Mr. Pulin Behari Mullick,

(8) Mr. Pramatha Nath Banerjee, and

(9) the mover,

with instructions to submit their report by the 30th September, 1940, the number of members forming the quorum being five, was then put and a division taken with the following result:

AYES—56.

Abdul Jabbar Palwan, Mr. Md.
Abdul Wahed, Maulvi.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Narendra Nath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Deoni, Mr. Narendra Nath.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Gomes, Mr. S. A.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Majumdar, Mr. Jnanendra Chandra.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherjee, Mr. Tarakanath, M.B.E.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nasher Ali, Mr. Syed.
Pain, Mr. Barada Prasanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.

NOES—69.

Abdul Aziz, Maulana Md.
Abdul Haiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikramperi, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdullah-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidar Reza Chowdhury, Khan Bahadur Maulvi.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali Ali, Mr. M.
Asiad, Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.

Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Qundir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Golam, Sarwar Hossaini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hashem Ali Khan, Khan Bahadur Maulvi.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi.
Maguire, Mr. L. T.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Marindin, Mr. F. J.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddiqua, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Gossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Telel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 56 and Noes 89, the motion was lost.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I draw your attention to rule 51 (2) where it is stated that the period of notice of a motion to take a Bill into consideration should be 21 days and so on and so forth unless the Speaker in exercise of his power to suspend this sub-rule allows the motion to be made at a shorter notice. In view of the fact that the Hon'ble Minister in charge did not accept my motion for the appointment of a Select Committee, I presume that it is the intention of the Government to have the Bill discussed straightaway and that the consideration of the Bill be proceeded with. I therefore submit that you may forgo the necessity of my giving 21 days' notice and permit me to move that the Bill be taken into consideration in exercise of the power vested in you under sub-section (2) of Rule 51.

Mr. SPEAKER: I will consider the matter later on, not to-day. I will have to give my careful consideration before I give my decision. Meantime, you may give notice.

The Bengal Non-Agricultural Tenancy Bill, 1939.

Mr. NISHITHA NATH KUNDU: I beg to move that the Bengal Agricultural Tenancy Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Dr. Syamaprasad Mookerjee,
(3) Maharaja Sashi Kanta Acharyya Choudhury, of Muktagacha, Mymensingh,
(4) Dr. H. C. Mukherji,
(5) Mr. C. Griffiths,
(6) Maulvi Aulad Hossain Khan,
(7) Maulvi Idris Ahmed Mia,
(8) Mr. A'dulla-al Mahmood,
(9) Maulvi Abu Hossain Sarkar,
(10) Khan Bahadur Maulvi Shah Abdur Rauf,
(11) Mr. P. R. Thakur,
(12) Mr. Dhirendra Nath Datta,
(13) Mr. Sasanka Sekhar Sanyal, and
(14) Mr. Nishitha Nath Kundu (mover),

with instructions to submit their report by the 10th November, 1940, the number of members forming the quorum being five.

I need not recapitulate the provisions of the Bill, because I gave the substance of the provisions while introducing the Bill last session. We have in the last session enacted a law, namely, the Bengal Non-Agricultural Tenancy (Temporary Provisions) Bill staying the suits and execution proceedings. What is needed now really is that a complete and comprehensive enactment defining the rights and status of the agricultural tenants should be passed without further delay. Now, in the fitness of things after eliciting public opinion on my Bill, this Bill should be referred to a Select Committee for finally enacting it into law. The Temporary Provisions Act has given rise to difficulties. In the suits that are pending before the courts parties have filed important documents to prove their respective cases. Now they cannot receive back those documents and use them for other purposes. Then again, in a case which is pending before the Hon'ble the High Court, reference has been made either to a Full Bench or Special Bench for a decision on the point as to whether this Legislature was competent to pass a law like that, whether this enactment was *ultra vires* or not of this Legislature. As far as I have been able to gather from the Government of India Act, I am positive that this enactment is not *ultra vires*

of the Legislature. But then, Sir, it may be decided otherwise. If it is decided that this Temporary Provisions Act is *ultra vires* of this Legislature, the fate of the non-agricultural tenants can be better imagined than described. With one voice this House admitted the importance and urgency of this Bill, and I do not understand why the Government is not introducing a complete and comprehensive Bill defining the rights and status of the non-agricultural tenants. It is for these reasons that I had to give notice of this Bill for referring it to a Select Committee. We have no mind to keep alive this Bill if Government will themselves come forward within a reasonable time with a complete Bill, but we do not see any sign yet that the Government will at all introduce a comprehensive Bill during its tenure. I have received about 72 or 73 opinions on my Bill; 35 municipalities have expressed their opinion on my Bill out of which 29 municipalities have expressed themselves in favour of my Bill and 6 against. Out of 12 district boards opining in respect of the provisions of this Bill 10 have supported my Bill and 2 have opposed it. Out of 8 Lawyers' Associations 5 have supported the Bill and 3 have opposed it. Out of 2 Peoples' Associations giving opinion one has given for and one against the Bill. Five bodies have expressed no opinions. Two Chambers of Commerce, 2 individual zemindars and 5 Landlords' Associations have all expressed their opinion against the Bill. All told, 45 of the bodies have supported my Bill, sometimes with some modifications and 22 opposed the Bill. I find that Mr. Khwaja Shahabuddin has given notice of an amendment for recirculation for the purpose of eliciting further opinion on the Bill. Sir, if it is the intention of the House that only for want of proper opinions the Government are not introducing any Bill, I submit that here there are opinions received already which are sufficient to convince that a comprehensive Bill of this nature is long overdue. Sir, it will not be out of place to mention here that the Government have already admitted more than once that there is a necessity for such a Bill being enacted into law. Now, as regards the provisions in my Bill I must admit there has been opinion expressed that there are provisions in this Bill which are of a very radical and drastic nature; but, Sir, if this Bill is referred to a Select Committee there will be ample opportunity to change those provisions which will be thought of by the majority in the Select Committee—as also by the majority in the House when it will come here for consideration—to be of a drastic nature and they would be at perfect liberty to change such provisions. So I do not find any reason for sending this Bill for recirculation, especially in view of the fact that there has been a reference to a Special Bench for the decision of the point that this Temporary Provisions Act has been *ultra vires* of this Legislature. I do not like to take any more time of the House but I will only request the Hon'ble Minister in charge to consider seriously the points I have raised and to see if it is not

possible to take up this Bill and modify it in such a way that it may suit all the parties concerned if this Bill is enacted into law.

With these few words, Sir, I commend my motion to the House for acceptance.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this motion and the arguments for opposing the motion have been supplied by my friend the mover of the Bill himself, namely, that opinions have already been received on certain clauses of this Bill and so it requires no recirculation. Now the proposal is to refer the Bill to a Select Committee. If you refer the Bill to a Select Committee the House naturally accepts the principles of the Bill, which Government are not in a position to agree to. Government are not prepared to accept the principles underlying this Bill. Sir, my friend the mover of the Bill has referred to certain complications that have arisen because of the Temporary Provisions Bill passed by this House at the instance of Government in the last session. Now I venture to think that the Bill which he now seeks to refer to a Select Committee will only make confusion worse confounded. So it is only proper that no further Bill should be referred to a Select Committee and the House should not commit itself to principles of a Bill of this character. Sir, Government are committed to a comprehensive legislation regarding non-agricultural tenancies and they appointed a committee to go into the whole problem. The committee have been considering this question. We have not yet received the recommendations of the committee and Government cannot undertake legislation before they receive the recommendations of that committee. I hope the House will realize that the Temporary Provisions Bill received unanimous support in this House from members belonging to all sections. That I believe has given sufficient respite to the tenants and there is no immediate urgency for further legislation; at least there is no justification for any further hurried legislation and Government propose to give due consideration to the recommendations of the committee they have appointed to go into the whole problem very carefully, to prepare their own Bill and come before this House.

So in this view of the matter, Sir, I hope the honourable member will withdraw his motion. If he does not then I would respectfully request the members of the House to reject his motion.

The motion of Mr. Nishitha Nath Kundu that the Bengal Non-Agricultural Tenancy Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy,

(2) Dr. Syamaprasad Mookerjee,

(3) Maharaja Sashi Kanta Acharyya Choudhury, of Muktagacha, Mymensingh,

(4) Dr. H. C. Mukherji,

(5) Mr. C. Griffiths,

(6) Maulvi Aulad Hossain Khan,

(7) Maulvi Idris Ahmed Mia,

(8) Mr. Abdull-al Mahmood,

(9) Maulvi Abu Hossain Sarkar,

(10) Khan Bahadur Maulvi Shah Abdur Rauf,

(11) Mr. Promatha Ranjan Thakur,

(12) Mr. Dhirendra Nath Datta,

(13) Mr. Sasanka Sekhar Sanyal, and

(14) Mr. Nishitha Nath Kundu (mover),

with instructions to submit their report by the 10th November, 1940, the number of members forming the quorum being five, was then put and a division taken with the following result:—

AYES—53.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Wahed, Maulvi.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Nirendra Nath.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Choudhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Majumdar, Mrs. Hemaprova.
Majumdar, Mr. Jnanendra Chandra.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lall.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Manirazzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukherjee, Mr. B.
Mallick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Sarada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Thakur, Mr. Pramatha Ranjan.
Wahar Rahman, Maulvi.

NOES—80.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdul Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Aftab Ali Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
AminuHah, Khan Sahib Maulvi.
AnwarulAzim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Bell-Hart, Miss. P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Ranik Lal.
Chippendale, Mr. J. W.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hossini, Mr. Shah Syed.
HabibuHah, the Hon'ble Nawab Bahadur K., of Dacca.
Hamiduddin Ahmed, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Khaina Murshed, Mrs. M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed, Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi.
Mandal, Mr. Sirat Chandra.
Mandal, Mr. Jagat Chandra.
Marindin, Mr. F. J.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mukherjea, Mr. Tarakanath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mustharruff Hossain, the Hon'ble Nawab Khan Bahadur.
Mustaqueul Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
NasaruHah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Scotson, Mr. Robert.
Sen, Rai Bahadur Jogesh Chandra.
Sirdar, Babu Lalita Munda.
Smith, Mr. H. Graham.
Suhrawardy, the Hon'ble Mr. H. S.
Tafel Ahmed Chowdhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zaher Ahmed Chowdhury, Maulvi.

The Ayes being 53 and the Noes 80, the motion was lost.

The Bengal Prohibition Bill, 1939.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move that the Bengal Prohibition Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Prasanna Deb Raikut,

(2) Khan Bahadur Maulvi Alfazuddin Ahmed,

(3) Mr. K. Nooruddin,

(4) Mr. Razaur Rahman Khan,

(5) Mr. Anukul Chandra Das,

(6) Maulvi Abu Hossain Sarkar,

(7) Mr. Shyama Prosad Barman,

(8) Dr. H. C. Mukherjee,

(9) Maharaja Sashi Kanta Acharyya Chowdhury, of Muktagacha, Mymensingh,

(10) Mr. W. C. Wordsworth,

(11) Mr. Pramatha Nath Banerjee,

(12) Mr. Satyapriya Banerjee,

(13) Mr. Atul Chandra Sen,

(14) Mr. A. M. A. Zaman, and

(15) the mover,

with instructions to submit their report by the 16th August, 1940, the number of members forming the quorum being five.

Sir, the object of my Bill, as stated in the Statement of Objects and Reasons, may have attracted the notice of honourable members whether on this side or on the other side of the House. Members who have taken care to go through the provisions of the Bill may have also seen that my object is no other than to provide a machinery for giving effect to a scheme of prohibition. Without such a machinery, Sir, it is not possible to give effect to any scheme of prohibition that may be launched by a Government.

Sir, the necessity and expediency of introducing prohibition schemes, I think, will not be questioned after the schemes that have been adopted in the other provinces and the success that has attended such schemes. Now, Sir, honourable members who have cared at least to go through the opening clause of the Bill may have seen that I have not proposed to make Bengal "dry" overnight. My immediate object is to extend the scheme of prohibition to an important district of the province, namely, to the district of 24-Parganas. That is the one district that I have mentioned in this Bill; otherwise, Sir, I do not propose that schemes of prohibition should be launched now and immediately in all the districts of the province—that is not my idea though some have misinterpreted it as such.

Now, Sir, it may be asked why I have chosen to mention 24-Parganas as the district to start with in my scheme of prohibition—why I have selected 24-Parganas as the district that must be made "dry" before others? Now, Sir, my point is that 24-Parganas is one of those districts that suffer most from the drink and drug evil. Sir, our Government is never tired of repeating that it has introduced prohibition in Noakhali, but may I ask what was the consumption of drink or drug in Noakhali? Drug has not been prohibited there, only drink

has been. But what was the consumption of liquor in Noakhali?—only a few hundred gallons, and what is that, Sir, but a drop in the ocean of about six lakhs of L.P. gallons of country spirit alone that are consumed all over Bengal. Sir, other provinces have by this time gone very much ahead with their schemes of prohibition. Honourable members are aware that in Madras they have extended prohibition to at least three if not to four districts. By 1938—that is by the end of the financial year of 1938—Madras had prohibition introduced in three of her districts and that too in one of the most important districts, one of the most highly populated districts, in Madras, namely, Salem. I am reading from the Administration Report for 1939: "The Madras Prohibition Act of 1937 was brought into force from 1st October, 1937, in Salem, and from 1st October, 1938, in the Chittoor and Cuddapah districts." So, in the course of the very first two years of the assumption of office by the Congress Ministry they in Madras introduced prohibition in three districts including one of the biggest districts as I have said. Now, Sir, in the United Provinces they started with the Etah and Mainpuri districts. In the course of two years they thought it expedient to extend the prohibition scheme to four other districts of the Province. In introducing the budget for 1938-39—that was the last budget presented by the Congress Ministry in the United Provinces—the Finance Minister of the United Provinces observed thus: "Last year prohibition was introduced in two districts. The success of the experiment has confirmed Government in the belief that in our country tradition, belief, and practice are all in favour of abstinence. For the next year Government have decided to extend prohibition to four more districts, namely, Badaun, Furakkabad, Bijnor and Jaunpur." Now let us take the case of our sister province Bihar, and you will find, Sir, that there also prohibition has been achieved in one of the biggest districts, namely, Saran. They have chosen to forgo an excise revenue of more than Rs. 8 lakhs in that one district alone. Not only that, Sir. They have extended prohibition to the districts of Ranchi and Hazaribagh as well, and also to parts of the big district of Muzaffarpur.

Now, Sir, that being the position all around us, I think it is high time for the Government of Bengal, at least in the interest of its good name, not only to introduce prohibition technically but to be serious in this matter and make substantial progress with a large-scale scheme of prohibition in this province. Sir, I doubt, but still I venture to hope, that in Bengal under a predominantly Muslim Government such a request will not be a cry in the wilderness.

Sir, I am going again, to refer to the question why I have suggested that 24-Parganas should be selected for introducing a major prohibition scheme. It will be seen on a reference to the latest Excise Report that 24-Parganas of all districts is the second heaviest consumer of

liquor in Bengal. It consumes as much as 52 thousand and odd L.P. gallons of country liqour in one single year. It is the first in consumption of foreign liquor. So far as I remember, the figure is 36 thousand and odd gallons annually. Then, Sir, it is the first in the matter of consumption of opium. It consumes as much as 4,330 seers of opium; the second heaviest consumer of opium, which is nowhere in comparison with 24-Parganas, is Midnapore with its consumption of 2,445 seers only. It is the first in order of—I won't say of merit but of demerit in the consumption of *ganja*; it consumes as much as 5,213 seers. It takes the first place in the matter of consumption of *bhang* and it takes the second place, Sir, in the consumption of that most injurious of all hemp drugs, namely, *charas*. The district of 24-Parganas is, therefore, in my idea one of the worst sinners in this province. The magnitude of drink evil prevalent here will be better realised if I say that 24-Parganas consumes more country liquor than the Divisions of Chittagong and Dacca combined. Chittagong and Dacca Divisions with their seven districts consume less country spirit than 24-Parganas alone does. Of course, it is somewhat due to the fact that 24-Parganas is an industrial district. But that cannot alone account for the fact of the extraordinary heavy consumption of drug or liquor here. It is also to be noted, and noted with regret, by the Hindu members that the Western Bengal districts are generally the worst sinners in this respect—Burdwan, 24-Parganas, Midnapore, Hooghly and Howrah, besides the Hon'ble Minister's own district of Jalpaiguri and his neighbour Darjeeling. I would, therefore, expect Government, if they are really serious about prohibition, to start with an important district and not to trifle with the scheme of prohibition by launching it in Noakhali where the consumption of liqour was only 500 or 600 gallons. That may soothe the conscience of a predominantly Muslim Government, but that cannot be taken as a sincere attempt to tackle the question of prohibition in this province.

Sir, there is another point to answer. When I just referred to my proposal of introducing prohibition in 24-Parganas, my honourable friend, the Excise Minister, was shaking his head showing his determination not to yield to my arguments. Probably he is afraid that he will have to forgo a large part of the excise revenue if he takes up the scheme of prohibition in the district of 24-Parganas. But, Sir, what, after all, is the revenue he is likely to lose? 24-Parganas yields, so far as my calculation goes, Rs. 17 to 18 lakhs of revenue taking both the drink-revenue and the drugs-revenue into consideration. But what advance this Government is making in the matter of collection of excise revenue? Since this Government came into office, it has made much progress in the matter of collection of excise revenue. Sir, in 1935-36, our excise revenue—the total of gross

receipts stood at Rs. 1,37 lakhs and by 1938-39, by the good administration of the present Government the character of which will be unfolded later——

(At this stage the House was adjourned for 20 minutes.)

(*After adjournment.*)

Rai HARENDRA NATH CHAUDHURI: Sir, I was developing before the recess my arguments on the point as to what would be the possible loss if the scheme of prohibition be extended to the district of 24-Parganas. I was telling the House that the Government would at the most lose something like a revenue of Rs. 17 to 18 lakhs. But, Sir, during the last two years, the present Government have already developed their excise revenue by more than that amount. In 1935-36, the excise revenue of the province stood at Rs. 1,37 lakhs, but during the next two years, 1937-38 and 1938-39, it has jumped up to Rs. 1,62 lakhs, that is, the excise revenue has increased by Rs. 25 lakhs. Therefore, if the Government have got to forego even the whole of the excise revenue yielded by the district of 24-Parganas, the income of the Government under the head "Excise" will not go below the figure of 1936-37, that is, the year with which the old regime ended. On the contrary, it will have a sufficient margin also of added revenue. In these circumstances, I think, the Government need not be too much afraid of introducing prohibition in a big district like 24-Parganas. What, after all, is the Government programme? The Government programme probably will be unfolded in the speech of the Hon'ble Minister in reply—they propose to extend prohibition from Noakhali to Tippera, but then they will again be trifling with the question of prohibition because the small district of Tippera does not consume much of liquor or drugs. So, my request to the Government is that if they are really serious about the question of prohibition, if they really want to make progress with a major scheme, then they have got to tackle a big district. Otherwise, there can be no point in their parading that they have introduced prohibition in Noakhali or Tippera or some such district which suffers the least from drink and drug evil.

Then, Sir, the next point which I propose to come to is about the necessity of introducing prohibition in Bengal. Sir, during the regime of the present Government, not only our excise revenue is going up, but also the consumption of all excisable articles is going up *pari passu*. The Hon'ble Minister will not be in a position to say truthfully that it is only by raising the prices of excisable articles that he has got a better yield under the head "Excise" and there has been no progress or advance in consumption.

Rather, so far as the present Government policy is concerned, it is adding to the consumption figures. It is increasing the consumption and spreading the vice. I hope, Sir, you will permit me to make some quotations from the latest report of Excise administration of the Presidency of Bengal. As the time at my disposal is limited I would rather choose to place before the House the comparative figures of the last three years to indicate the progress of consumption of drink and drug in this province: So far as the consumption of country spirit is concerned, in 1936-37 it was 364,589 (L. P. Gallons). In 1938-39 it was 587,779, i.e., an increase of 223,190 gallons, in other words, an increase of more than 50 per cent. over the figure of 1936-37. This I do not think a predominantly Muslim Government will claim as one of its achievements.

Then about foreign liquors. The consumption figure in 1936-37 was 598,387 Imperial Gallons. It went up to 715,245 gallons in 1938-39, that is, by 116,858 or more than 20 per cent.

Then opium. The consumption in 1936-37 was of 25,051 seers and in 1938-39 it was of 26,513 seers, i.e., the consumption went up by 1,462 seers.

As regards the other hemp drug *ganja*, the quantity consumed in 1936-37 was 32,487 seers and in 1938-39 it was 33,957 seers, i.e., an increase of 1,470 seers.

As regards *bhang*, the consumption figure in 1936-37 was 8,368 seers and it went up to 9,216 seers in 1938-39, i.e., there was an increase in consumption of 848 seers.

So far as the worst of the hemp drugs—the drug which has the most deleterious effect on the users, namely, *charas*, is concerned, the consumption in 1936-37 was 720 seers, and in 1938-39, 790 seers, an increase of 70 seers, i.e., of about 10 per cent.

When, therefore, the present policy of the Government is going to have the opposite effect, that is, when it is going to increase the consumption of all excisable commodities, I think it is time to cry halt and for the Government to think seriously about the question of prohibition and to introduce it in all earnestness in one of those districts which suffer most from drink and drug evil. Government should not idle away further time with its make-believe scheme of prohibition and by bluffing attempts to introduce it in those districts which consume the least of drink or drugs. I think Government can well afford to launch a scheme of prohibition in a big district like the 24-Parganas. My honourable friend probably will make a point of it that it will be very difficult to introduce prohibition in 24-Parganas, because of the chances of smuggling, but if the Government report so far as excise crimes are concerned is reliable, it will be seen that in 24-Parganas

most of the crimes relate to illicit distillation or illicit possession of excisable things and not to smuggling. If Government has an efficient staff to check the crimes, and to detect them as in other connection it claims to have in its officers, then of course Government should not be afraid of smuggling.

Another matter of serious concern is that our Government always talks of smuggling and such things, whenever Government is asked to introduce schemes of prohibition, but the present Government policy so far as the consumption of country spirit is concerned may well be described as not of checking the trafficker but one of racing with him. Is it to be believed that a Government which professes to be sincere in its scheme of prohibition, has reduced the price of country liquor and introduced a cheaper variety in recent times? But that is a fact—an admitted fact that the Government has reduced the price of country spirit and introduced the cheaper 75° U. P. liquor which has led to the greater consumption of country spirit I hope the Hon'ble Minister will face this point and not avoid it in his reply.

I would therefore ask the Government to adopt my Bill. If Government is afraid of the sub-clause of the Bill which relates to the district of the 24-Parganas, well, then it can be arranged that another important district should be tackled in its stead. After all, the promise of introducing prohibition in Noakhali or Tippera cannot satisfy those who are really serious in the matter of prohibition and those who consider it a matter of shame that we are lagging behind when our sister provinces are going so much ahead and introducing prohibition in district after district and successfully bringing even very big districts in their provinces under schemes of prohibition. If the Bengal Government really care for its reputation, then it ought to introduce prohibition in some of the biggest consuming districts of Bengal. I have of course suggested the district of 24-Parganas, and given my reasons. If the Hon'ble Minister can give better reasons to make any other big district "dry" I shall be quite prepared to consider them but the plea of making such a small district as Noakhali or Tippera "dry" and not even drug-free, can only be interpreted as criminal indifference to a great social evil.

Then, Sir, I would point out that so far as my Bill is concerned I have attempted to provide for permits and licences for such purposes as scientific or religious. If you turn to clause 31, you will find that I have provided for permits to be issued even for consumption by private persons and also in clubs and hotels, and railway restaurant cars besides, as I have said, permits for religious and scientific purposes. Therefore, Sir, if my Bill, be accepted, it will not put a stop to the use of liquor for religious, scientific or such other purposes or to the use of liquor by persons of non-Asiatic domicile in certain circumstances.

Such are the provisions of my Bill and it deserves the acceptance of the House. Although I had some doubt when I introduced the Bill as regards its expediency, that doubt has been entirely removed by the collection of opinions in respect of this Bill. I now stand here fortified by the opinion of my countrymen and by the large and wide support that the Bill has received outside this House. If you turn to the collection of opinions, you will find altogether 107 opinions have been collected. Of them——

(The member reached his time-limit but was granted another two minutes time.)

——7 parties have chosen not to give their opinion at all and of the remaining 100 opinions that have been communicated, some 65 or 66 opinions are definitely in favour of this Bill and there are only some 32 or 33 opinions which are more or less opposed to the Bill. But, if you analyse those dissenting opinions, Sir, you will find that 20 of these opinions are the opinions of Licensing Boards. Now, Sir, the opinion of these Licensing Boards, it is evident, I am sorry to say, has been primed by the officials. If you turn to one of the collected opinions of such Boards you will find evidence of the attempt that has been made to influence the opinion of these official-ridden and nominated Boards by the higher Excise officials. Turning, in the collection of opinions, to opinion marked 50, namely, the opinion of the Rangpur Excise Licensing Board, you will find that with that opinion is enclosed a criticism of the Bill by the Excise Superintendent of the district and that the Licensing Board has simply endorsed the opinion of the Superintendent of Excise. They say: "The Bengal Prohibition Bill, 1939, by Rai Harendra Nath Chaudhuri with its Statement of Objects and Reasons and the note prepared by the Superintendent of Excise on the Bill are discussed, and it is resolved that the Board agrees on principle, as given out in the Superintendent's note". This clearly shows, Sir, that attempts have been made to influence the opinions of the Licensing Boards. Therefore the opinions of such Licensing Boards are not their opinons but rather the opinions of the Excise officials. If you exclude them, then you will find that only 12 or 13 opinions have been given against this Bill. The rest of the opinions, mainly the opinions of independent local bodies, are in favour of this Bill. And, Sir, I hope that if this Government claim to be a popular Government it will be guided by the public opinion that has been elicited in respect of this Bill. Whatever may be the fate of my Bill in this House I have the supreme satisfaction that my Bill has received very wide and almost overwhelming support from the public outside this Legislature. If the Government care for public opinion then they ought to accept this Bill. And, Sir, what does acceptance of this Bill mean? It does not mean that the Government will have to accept every provision or every clause of the Bill. I have proposed that

the Bill be referred to a Select Committee. If there are defects in the drafting of the Bill those defects can well be removed by discussion in the Select Committee. And I would ask the Government, before they take up the attitude of throwing out the Bill altogether—to consider what serious step they are taking in running counter to public opinion invited and ascertained. I presume to think however that no serious difficulty will arise if the Bill be accepted for consideration by the Select Committee. Then the Government will be in a position to have it recasted in such a manner as they think proper and ultimately they will have a comfortable and obliging majority to support their wishes and decisions.

Mr. DEPUTY SPEAKER: Mr. Hashemy, do you want to move your amendment?

Mr. SYED JALALUDDIN HASHEMY: No, Sir, but I will support this motion.

Sir, in rising to support the motion of Rai Harendra Nath Chaudhuri I must frankly say that I cannot think of a better Bill than that drafted by Rai Harendra Nath Chaudhuri and I also frankly say that the Government should come forward to congratulate Rai Harendra Nath Chaudhuri for the pains he has taken in drafting a comprehensive Bill. In this connection, Sir, I should only like to remind this House that during the first budget discussion of this Government the Hon'ble the Chief Minister assured this House that in three years time he will make this province a dry, a completely dry one. Well, I am not in the habit of quoting authorities and I am not prepared to refer to the proceedings of the business of this House, but so far as I remember an assurance was given by the Hon'ble the Chief Minister to introduce prohibition in this province. Now the opportunity has come. It is now up to the Government to accept the Bill that has been introduced by Rai Harendra Nath Chaudhuri. If the Government thinks that some alteration, some change, some amendment, some addition is necessary they can do so. Let the Government come forward to accept this Bill and bring it before the House as a Government Bill. I am sure, Sir, no section, no group of this House will object to introducing prohibition in this province.

Mr. ABDUL WAHAB KHAN: Not even the Europeans?

Mr. SYED JALALUDDIN HASHEMY: Well, there is provision in the Bill itself to give licence to some people of non-Asiatic domicile. But Rai Harendra Nath Chaudhuri has thought over all possible problems that may arise in this connection. He has given licence to some restaurants.

Mr. RASIK LAL BISWAS: Has he?

Mr. SYED JALALUDDIN HASHEMY: Yes, he has. If you read the Bill you will find it there. He has made provision for licence to some people domiciled in this province. There are other licences as well. Therefore this Bill is comprehensive. Well, if the Department concerned finds that some alteration, some changes are necessary, Rai Harendra Nath Chaudhuri will be prepared to accept any reasonable amendment that may be suggested by the Government. We want prohibition and before we retire from this House we want to see something tangible in this particular respect. We have discussed this matter in season and out of season, from year to year, and Rai Harendra Nath Chaudhuri in his eloquent speech has dwelt on this subject elaborately. I would only appeal to the members of the Government and the majority party to come forward, to show at least some gestures that they intend to introduce prohibition in this province. The other day in reply to a question with regard to prohibition introduced in the Noakhali district we got the reply from the Hon'ble Minister in charge that there are still 15 shops in Noakhali district and there are several ganja shops in that district as well. Of course I have given the figures subject to correction.

Now, Sir, it is clear that even in one district which is predominantly a Muslim district we have not got complete prohibition. Government cannot say that even that district is a completely dry district. The horrible condition of 24-Parganas, as has been stated by the honourable mover, will certainly appeal to your sense of justice and your sense of fairness and equity, and you know that this particular district is a district consisting of lots of *bhils* and you know the condition of the workers in those *bhils*. Therefore, Sir, in the fitness of things Government should come forward either to accept this particular Bill *in toto* or to give us an assurance that they will introduce another Bill on the line suggested by Rai Harendra Nath Chaudhuri.

With these words, Sir, I support the motion which is before the House.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমার বন্ধু রায় হরেন্দ্র নাথ চৌধুরী মহাশয় বাংলাদেশ থেকে মদ, গাঁজা ইত্যাদি মাদক দ্রব্য বর্জ্জন করবার জন্য যে প্রস্তাব উপস্থিত কোরেছেন তা সমর্থন কোরে আমি দু'কথা বোলতে চাই। মদ, গাঁজা—(Mr. SURENDRA NATH BISWAS: গাঁজা নয়, খালি মদ, গাঁজা এখন থাক শান্তিতে বোসে—) প্রভৃতি মাদক দ্রব্যগুলি, এই সব নেশার জিনিষগুলি আমাদের মুসলমানের ধর্ম্মশাস্ত্র অনুসারে, কোরান ও হাদিছের মতে এত শক্ত হারাম যে, এই জিনিষগুলি দেশ থেকে বিতাড়িত কোরলে যদি আকাশের চন্দ্র সূর্য্যও খোসে পড়ে, তাহলেও কোন মনুষ্যত্ব বিশিষ্ট মুসলমান ঐ জিনিষগুলি দেশে থাকবে এই কথা সমর্থন কোরতে পারে না; এ সম্বন্ধে এতই কড়া নিষেধ। বিশেষ কোরে মদ জিনিষটা এত খারাপ যে আমাদের দেশের জনসাধারণকে এই মদেই সর্ব্বহারা কোরছে

কারণ আমাদের এই [illegible] বড় লোকেরা—জমিদার, মহাজন, রাজা, মহারাজা, নবাব, সুবা যারা, তারা দেশের জনসাধারণের কাছ থেকে খাজনা বাবদ কিম্বা সুদ বাবদ যে সব টাকা আদায় কোরে নিচ্ছেন, সেই টাকা দ্বারা "বোতলবাজী" কোরে কোরে সর্ব্বস্বান্ত হোচ্চেন, এবং নিজেদের জমিদারী কোর্ট অফ্ ওয়ার্ডে দিতে বাধ্য হোচ্চেন এবং সুদখোর অনেকেই, এমনকি নবাব, সুবা, রাজা, মহারাজা পর্য্যন্ত ঋণের দায়ে দেউলিয়া হোয়েছেন। (A Member of the Coalition Party : আপনিও তো একজন বড় লোক।) এই ভাবে দেশকে সর্ব্বস্বান্ত কোরে দিচ্ছে মদে? বিশেষ কোরে মদ যখন মানুষে খায়—আর তার নেশায় বিভোর হয়, তখন তার আর মনুষ্যত্ব থাকে না। সে তখন মনুষ্যত্ব বিসর্জ্জন দিয়ে পশুতে পরিণত হোয়ে পড়ে, এবং হিতাহিত জ্ঞানশূন্য হোয়ে সে তখন যা তা করিতে থাকে। আমি একদিন দেখেছিলাম—একটা "বোচার" মদ খেয়ে নেশায় বিভোর হোয়ে রাস্তা দিয়ে চোল্‌ছে,—আর বোলছে—ম্যাজিষ্ট্রেট্ কোন হ্যায়? হাম্ ম্যাজিষ্ট্রেট্ হ্যায়। (Laughter.) এদ্বারা আপনারা বুঝ্‌তে পারছেন যে মদ খাওয়ার ফলে শুধু হিতাহিত জ্ঞানই নয়, মানুষের কাণ্ড-জ্ঞান পর্য্যন্ত লোপ পায়। সুতরাং এমন যে একটা খারাপ জিনিষ এটাকে দেশে থাক্‌তে দিতে দেশের কোন মানুষেই ইচ্ছা করে না। মদ্ এ দেশ থেকে তুলে দেবার জন্য,—এই পরিষদ বস্‌বার প্রথম থেকেই আমরা দাবি কোরে আস্‌চি। এবং শুধু আমরাই দাবি করি নাই,—দেশের জনসাধারণের প্রায় সকলেই দাবি কোর্‌ছেন। কিন্তু আমাদের গভর্ণমেণ্ট,—বিশেষতঃ মন্ত্রীমণ্ডলী কেন যে সেই দাবিটা গ্রাহ্য করেন না,—এর ভিতর যে কি রহস্য রোয়েছে তা আমরা বুঝতে পারি না। মাদ্রাজ গভর্ণমেণ্ট এটা তুলে দিতে পেরেছেন, বোম্বাই গভর্ণমেণ্ট পেরেছেন—সকল খানেই দেখ্‌ছি মাদক দ্রব্য বিতাড়নের উদ্যম, এখানেই বা এই জিনিষটা তুলে দেওয়ার দিকে গভর্ণমেণ্টের লক্ষ্য হবে না কেন আমরা বুঝ্‌তে পারছিনে।" এখন কথা হোচ্চে এই যে এই জিনিষটা দেশ থেকে চোলে গেলে, এটা বাংলাদেশে না থাক্‌লে আমাদের কোন অসুবিধা আছে কিনা আমাদের পেট্‌কে ভুগা থাকতে হবে কিনা—এটা অবশ্য একটা বিচার্য্য বিষয়। তাই আমি বোল্‌তে চাই—আমাদের মন্ত্রীমণ্ডলী কেন এ দিকে অগ্রসর হোচ্চেন না, কি কারণটা এর ভিতর নিহিত আছে, যদি তাঁরা স্পষ্ট কোরে বলেন তাহলে ব্যাপারটা আমরা বুঝ্‌তে পারি। তাঁরা কি ইংরেজদের খাতির রাখার জন্যই এ কাজ করতে চান না? অন্ততঃ কোন বাঙালী যাতে মদ না খায় তার ব্যবস্থা করতেও কি মন্ত্রীমণ্ডলীর আপত্তি আছে কিছু?

মদকে এ দেশ থেকে বিতাড়ন কোরতেই হবে—সে আজ না হয় কাল, কাল না হয় তো পোর্শু কোরতেই হবে। মন্ত্রীমণ্ডলীর যা নাকি বর্ত্তমান নীতি দেখ্‌তে পাচ্ছি—সে নীতি যদি তাঁরা পরিবর্ত্তন কোরতেন তাহলে বাংলাদেশটা রক্ষা হতো। আমরা বার বার দেখ্‌তে পাচ্ছি যে সমস্ত দাবি জনসাধারণ কোরে আস্‌ছে,—যা জনসাধারণের পক্ষে থেকে আমরা উপস্থিত কোরছি, সেগুলির সম্বন্ধে তাঁরা গোঁজা মিল দিচ্ছেন, যা আমাদের কথাগুলি অবহেলা কোরে উড়িয়ে দিচ্ছেন। এবং তাঁরা চাইছেন যে নিজেরাই সে কাজ কোরে বাহবা লাভ কোরবেন। এখানে আমি স্পষ্টই জানিয়ে দিচ্ছি যে—আমরা তাঁদের ধন্যবাদ দিতে রাজি আছি, বাহবা দিতে রাজি আছি—সে কাজ তাঁরা করুন। এতদিন

চোলে যাচ্ছে তাঁরা কিন্তু এখনো পর্য্যন্ত তেমন কিছুই করেন নাই যেজন্য ধন্যবাদ কি বাহবা পাইতে পারেন। কেন কিছু কোরছেন না সে কৈফিয়ৎ যদি তাড়াতাড়ি দেন তাহলেও বুঝতে পারি। একটা কারণ থাকতে পারে যে যদি তাঁদের শ্বেতাঙ্গ বন্ধুরা অসন্তুষ্ট হন তাহলে মন্ত্রীত্বের গদি কি উপায়ে রক্ষা হবে? সে চিন্তা তাঁরা কোরতে পারেন। কিন্তু আমি বোলতে চাই—সেজন্য চিন্তা করবার কোন প্রয়োজন নাই। মদ এ দেশ থেকে তুলে দিলে বাঙালী জাতিকে মদের হাত থেকে রক্ষা কোরলে, সমগ্র জাতির নিকট তাঁরা গৌরবের পাত্র হবেন, এবং জাতি তাঁদের সর্ব্বদা সকল বিষয়ে সমর্থন কোরবে। অতএব আমি আশা করি তাঁরা এই মদ জিনিষটাকে এ দেশ থেকে অবশ্য তুলে দেবেন।

Mr. ATUL CHANDRA SEN: Sir, when Maulvi Bokainagari was speaking there were shouts of "hear, hear" uttered from the other side—of course ironically (Hon'ble Sir BIJOY PRASAD SINGH ROY: No, in appreciation), yes, thank you, in appreciation. But I have no doubt in my mind as to how they will vote when it comes to voting. Maulvi Bokainagari was asking what was the reason for this Government, which professes so much about prohibition, to stand in the way of this Bill being made into law. May I relate to the House a short story in three or four sentences and attempt a reply to this question? It is the well-known story of 'the mother-in-law and the daughter-in-law' current in the country-side. The mother-in-law and the daughter-in-law were the two inmates of the house. The mother-in-law was washing utensils in a tank outside the house, and the daughter-in-law was doing household duties inside the house. Just at that time a beggar came and asked for alms. The daughter-in-law refused to give alms and asked the beggar to go away. The beggar was going away. The mother-in-law saw the beggar going away and learnt from him that he came for alms and that the daughter-in-law had refused to give him alms. She said "what, the daughter-in-law refused you alms? No, that cannot be. Come, follow me". The poor beggar hopeful of alms followed the mother-in-law and went inside. Then the mother-in-law then turned round and said: "Look here, I am the mistress of the house and not the daughter-in-law. Who is she to refuse you alms? Never mind, I say you go away. You won't get alms." (Laughter.)

Similarly, Sir, Government says: "We want prohibition: we want to make Bengal completely dry in the course of three years, but why should it be left to Rai Harendra Nath Chaudhuri to introduce the Bill? The Bill may be good in principle, but who is Rai Harendra Nath Chaudhuri to introduce it? We will do it in good time and therefore we oppose this Bill." If, Sir, Government oppose this Bill, they will do so in the spirit of the mother-in-law in the story I have just narrated. (Laughter.)

With these words, Sir, I resume my seat.

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I oppose the Bill which has been moved by my honourable friend Rai Harendra Nath Chaudhuri. (Rai HARENDRA NATH CHAUDHURI: Hear, hear!) (Mr. SURENDRA NATH BISWAS: You cannot but oppose!) I can assure the House that we have every sympathy (Rai HARENDRA NATH CHAUDHURI: Overflowing!) with the aims and objects of the Bill, and it has been declared, Sir, on the floor of the House that our ultimate object is prohibition, but we must go gradually. (Rai HARENDRA NATH CHAUDHURI: Yes, progressively!)

Sir, Government has been criticised because we introduced prohibition in part of Noakhali. It may be good criticism, but that was the right thing to do. (Rai HARENDRA NATH CHAUDHURI: Why?) We are not of course undertaking prohibition on a large scale like other provinces which Rai Harendra Nath Chaudhuri has mentioned. He said that there are three districts in Madras and four districts in the United Provinces and also other places which have introduced prohibition and he praised them for the success of their prohibition schemes, but, Sir, we are not confident how far they are successful. It has got to be tested (Mr. SURENDRA NATH BISWAS: Taste what? Is it drink?) (Laughter.) There are certain reasons why Mr. Chaudhuri's Bill is untimely and ill-adopted to achieve its object. There are people here of various nationalities and communities, and to change their habit and custom by closing the excise shops is unthinkable and cannot be done.

Sir, the experience of other provinces tends to confirm our policy that prohibition should be gradual. (Mr. SURENDRA NATH BISWAS: What should be the speed of progress?—(Rai HARENDRA NATH CHAUDHURI: Twenty miles per hour!) (Laughter.) We cannot afford to have prohibition on a large scale in view of the financial implications involved. Then again, Sir, if we launch upon prohibition on a large scale, we cannot attend to any important nation-building works, because we shall have no money left. Besides, Sir, unfortunately prohibition is not free from technical difficulties as we have seen in a recent case in Bombay.

Mr. SPEAKER: That will do. I shall now put Mr. Chaudhuri's motion to vote.

The motion of Rai Harendra Nath Chaudhuri that the Bengal Prohibition Bill, 1939, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Prasanna Deb Raikut,

(2) Khan Bahadur Maulvi Alfazuddin Ahmed,

(3) Mr. K. Nooruddin,

(4) Mr. Razaur Rahman Khan,

(5) Mr. Anukul Chandra Das,

(6) Maulvi Abu Hossain Sarkar,

(7) Mr. Shyama Prosad Barman,

(8) Dr. H. C. Mukherjee,

(9) Maharaja Sashi Kanta Acharya Chowdhury, of Muktagacha, Mymensingh,

(10) Mr. W. C. Wordsworth,

(11) Mr. Pramathanath Banerjee,

(12) Mr. Satyapriya Banerjee,

(13) Mr. Atul Chandra Sen,

(14) Mr. A. M. A. Zaman, and

(15) the mover,

with instructions to submit their report by the 16th August, 1940, the number of members forming the quorum being five, was then put and lost.

Adjournment.

It being 7-50 p.m.—

The House was adjourned till 4-45 p.m. on Monday, the 12th August, 1940, at the Assembly House, Calcutta.

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